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THE
LIVES
OF ALL THE
LORDS Chancellors,
LORDS Keepers,
AND
LORDS Commissioners,
OF THE
Great Seal of *England*;

From **WILLIAM** the Conqueror,
to the Present Time:

But more at large of those Two Great Opposites:

EDWARD Earl of Clarendon,
AND

BULSTRODE Lord Whitlock.
With a PARALLEL of their ACTIONS.

To which is added,

An APPENDIX of many Rare and
Valuable SPEECHES, LETTERS, &c.
referring to the said LIVES.

*Necessary for the Readers of the Earl of Clarendon's
and other Histories of those Times.*

By an Impartial Hand.

V O L. II.

L O N D O N: Printed, and Sold by R. Bonwicke, W. Freeman, Tim. Goodwin, J. Walshoe, Mat. Wotton, S. Mansfield, J. Nicholson, R. Parker, B. Tooke, and R. Smith. 1712.

T H E
L I F E
O F

Bulstrode Whitlock Esq; &c.

BULSTRODE WHITLOCK Esq; who was the Son of Sir *James Whitlock* Kt. by *Elizabeth* his Wife, the Daughter of *Edward Bulstrode* of *Hugeley* or *Hedgley-Bulstrode*, in the County of *Buckingham*, Esq; was born in *Fleetstreet*, *London*, in the House of Sir *George Croke*, Serjeant at Law, (his Mother's Uncle) on the Sixth of *August*, in 1605. educated in Grammar-Learning in *Merchant-Taylor's School*; and having finish'd his Studies in this lower Orb of Education in 1620, became in *Michaelmas-Term* a Gentleman-Commoner of *St. John's College* in *Oxford*; at which time he was principally recommended to the Care and Oversight of his Father's Contemporary, and intimate Friend, *Dr. Laud*, then President of that House, who shewing to him several fatherly Kindnesses, *Mr. Whitlock*, many Years after, made him a grateful Return, when he refused to be one of the Commissioners, or Members of the

1605.

1633. Committee, appointed by Parliament to draw up a Charge against him. Mr. *Whitlock* having some Years closely pursued his Studies in the University, removed to the *Middle-Temple* before he took any Degree in Arts; where, by the Assistance of his Father Sir *James*, he became a great Proficient in the Common-Law, well read also in other Studies, and in time made up for himself a large Stock of Learning from them, and a retired Contemplation.

1633 $\frac{3}{4}$. BUT tho' Mr. *Whitlock* pursued his serious Studies with uncommon Application, yet he diverted himself some time with lighter Entertainments and Recreations: And the Gentlemen of the Inns of Court in 1633. having agreed to entertain the Court with a Royal Mask; and the better to Effect it, resolved to choose Two Members out of each House, whom they thought best qualified, to be a Committee to carry on that Affair: He, together with Mr. *Edward Hide*, (whose Life you have before) were chosen for the *Middle-Temple*; as Sir *Edward Herbert* and Mr. *Selden* were for the *Inner-Temple*; Attorney-General *Noy* and Mr. *Gerling* for *Lincoln's-Inn*; and Sir *John Finch* and another for *Gray's-Inn*: Every one having his Province allotted him, Mr. *Whitlock's* Care was in particular to provide the Musick, which he did so effectually, that it exceeded all the Musick that had been heard before in *England*.

THE Time of presenting this Mask at *Whitehall*, was agreed to be on *Candlemas Night*; before which, Mr. *Whitlock* with Mr. *Hide* were sent by the Committee to the Earl of *Pembroke*, Lord Chamberlain of the King's Household, and to Sir *Henry Vane*, Comptroller,

Comptroller, to concert Matters relating to 1641. the Scenes, and to get every thing ready in the Banqueting-House for the Solemnity; all the Parts of which being performed in most excellent Order. Soon after, Mr. *Whitlock* and Three more of the Committee were ordered to attend their Majesties in the Name of the Four Inns of Court, to return their humble Thanks for their gracious Acceptance of the Tender of their Service.

LITTLE can be said of Mr. *Whitlock* from hence-forwards, till about the Time that the long Parliament was to sit in 1640. and 1641. (saying, that he was much advis'd with by Mr. *Hampden*, in the Case of Ship-Money) when, being a Counsellor at Law, he was chosen a Burgess for *Marlow* in the County of *Buckingham*. Towards the beginning of the Sessions, a Debate arose in the House about the Writs of *Habeas Corpus*, upon which Mr. *Selden*, and the rest of his Fellow Members, (who were formerly committed Prisoners for Freedom of Speech in Parliament) demanded to be Bailed. The Matter was so far aggravated by some, that they moved the Prisoners might have Reparation out of the Estates of the Judges of the *King's Bench* who remanded them to Prison, and they were named to have been *Hide*, *Jones* and *Whitlock*; but his Son Mr. *Whitlock* knowing this to be false in Fact, out of Justice and Piety towards his Father, said, That it was well known to several worthy Members of the House, that Judge *Whitlock* had been a faithful, able and stout Assertor of the Rights and Liberties of the People of *England*, for which he had suffered many Ways, and particularly by a close Imprisonment, for what

1641. he said and did, as a Member of that honourable House in a former Parliament; and he appeal'd to those worthy Gentlemen, who could not but remember those Passages, and to some who were then his Fellow-Sufferers: And for the Judges Opinion and Conduct in the Case of the *Habeas Corpus*. he affirmed to have been the same as that of Judge *Crooke*; and he appeal'd for that to the Gentlemen concern'd, and others then present in Court.

THE great Earl of *Strafford* being now Impeach'd of High Treason in Parliament, Mr. *Whitlock* was chosen Chairman of the Committee appointed to Manage the Evidence against him at his Tryal: All the Papers relating thereunto were delivered into his Custody; and an Engagement of Secresie was solemnly made, in the Nature of a voluntary Oath, by every one of the Committee, who sat almost every Day to prepare Articles against the Earl: Whose Tryal being appointed in *Westminster-Hall*, the Committee on the 24th of *March* proceeded upon the Articles of the Charge; and after Mr. *Glynn* had ended his Part, Mr. *Maynard* proceeded upon the following Articles; and Mr. *Palmer* managing the ensuing ones, as to the Aggravation of them, and enforcing the Evidence upon them, his Part extended to the Seven last Articles, upon which Mr. *Whitlock* was appointed to manage the Evidence. Now the Twenty fourth Article in particular relating to the Design of Transporting the Army out of *Ireland* into *Scotland*, and from thence to *England*, to enslave the Kingdom, Mr. *Whitlock* thought fit to speak to Sir *Harry Vane* the Elder, and the other

other Witnesses, about it ; and finding their 1641.
 Testimony would not make good the Mat-
 ter of that Article, he took it to be disho-
 nourable for the Commons to proceed upon
 an Article of which they could not make
 a clear Proof, and therefore proposed to
 the Committee to omit it. All of them
 agreed to it but Sir *Walter Earl*, who taking
 upon him to aggravate the Matters con-
 tained therein, tho' derided for it by the
 Lords and others present, Mr. *Whitlock*
 proceeded to the Twenty fifth Article : On
 the 12th of *April*, Mr. *Pym* producing in the
 House of Commons a Paper, containing
 some Notes taken by Mr. Secretary *Vane*, of
 the Opinions of the Juncto, deliver'd in at
 the Council Table on the 5th of *May* 1640.
 wherein it was inserted, that the Earl of
Strafford, among other Things, should say,
The King had an Army in Ireland, that he
might imploy to reduce the Kingdom to Obedience.
 This Paper happen'd unluckily to Mr. *Whit-*
lock to be missing at the Committee ; and
 it being supposed by the Earl's Answer, that
 it had been seen by him, and that it was
 convey'd to him by some of the Committee,
 Mr. *Whitlock*, who had the keeping of all
 the Papers, was suspected more than any
 Body to have acted this Piece of Treachery.
 He told them when it was missing ; and that
 amongst such a Heap of them, as he had, it
 was not easie for him to discern they were
 all return'd, when delivered out, or call'd for.
 He was in great Perplexity about it ; his and
 the rest of the Committee's Declaration of
 their Ignorance in the Matter, ended for the
 present in the Members being obliged to
 make a solemn Protestation in the House,

1641. That they did not convey it away, nor know what was become of it : But it was afterwards known, That the Lord *Digby*, tho' he protested with more Earnestness, and deeper Imprecations, than any of the rest, took it away ; for when the King's Cabinet was taken at the Battle of *Naseby*, there was, among the rest of the Papers and Copies, these Notes, taken under the Lord *Digby's* Hand ; whereby Mr. *Whitlock* was fully clear'd.

1642. HAVING no Occasion to meddle with the Earl of *Strafford's* Attainder any farther than Mr. *Whitlock* was concern'd, a Rupture between the King and his Parliament seemed to increase every Day : The Dispute about the Militia did not a little contribute to it ; some of the Members of the House of Commons were of Opinion, The Power of the Militia was wholly in the King, and ought to be left to him, and that the Parliament never did nor ought to meddle with the same ; others, on the contrary, insisted, That this Power was not in the King, but solely in the Parliament ; and that if the King refused to order the same according to the Advice of the Parliament, that then they might do it without him by Law : And this was now moved to be done by the Parliament, the King having denied their former Petitions for settling the Militia, as they desired. Upon this Debate, Mr. *Whitlock* spoke excellently well, to this Effect :

‘ THAT he had often heard it said in
 ‘ former Debates in other Matters in that
 ‘ House, That such and such a Thing was of
 ‘ as great Concernment as ever came within
 ‘ those Walls ; that he was sure it might be
 ‘ said

‘ said so of the Matter then in Debate, it 1642.
‘ being truly of the greatest Concernment
‘ that ever came within those Walls.

‘ BUT that that House might be as the
‘ Temple of *Janus*, ever shut against it, he
‘ took the Meaning of those Gentlemen, who
‘ introduced that Word, to be the Power of
‘ the Sword, *Potestas Gladii*, which was a
‘ great and necessary Power, and perhaps
‘ belonging to the Magistrate, *Potestas Gladii*
‘ *in facinorosos*, without which their Peace
‘ and Property could not be maintained.

‘ BUT that *Potestas Gladii in manibus facinoro-*
‘ *sorum*, in the Hands of Soldiers, was that a-
‘ bout which the Debate was; That it was
‘ best out of their Hands, and he hoped it would
‘ never come there. That some worthy
‘ Gentlemen had declared it to be their
‘ Opinion, That the Power of the Militia
‘ was by Law and Right only in the King;
‘ that others affirmed it to be only in the
‘ Parliament: He desired Leave to differ
‘ from both; and said, he humbly appre-
‘ hended, That the Power of the Militia
‘ was neither in the King alone, nor in the
‘ Parliament; and that if the Law had
‘ placed it any where, it was both in the
‘ King and Parliament, when they joyn’d
‘ together.

‘ THAT it was a wise Institution of the
‘ Law of *England*, not to settle that Power
‘ any where, but rather to leave it *in dubio*,
‘ or *in nubibus*; that the People might be
‘ kept in Ignorance thereof, as a Thing not
‘ fit to be known, nor pryed into; that it
‘ was the great *Arcanum Imperii*, and the less
‘ it was meddled with, the less Acquain-
‘ tance they should have with it, and the

1541.

‘ better it would be for all sorts of People,
 ‘ both for King and People.

‘ THAT it appear’d, the Power of the Mi-
 ‘ litia was not alone in the King, because
 ‘ the Power of Money was not in him; nay,
 ‘ it must be granted, That the Power of
 ‘ giving Money was solely in that House;
 ‘ and that without Money to Pay the Sol-
 ‘ diers, the Power of the Militia would be
 ‘ of little Force.

‘ BUT that if the Power of the Militia
 ‘ should be in the King; yet the Power of
 ‘ the Money being in the Parliament, they
 ‘ must both agree, or else keep the Sword
 ‘ in the Scabbard, which was the best Place
 ‘ for it.

‘ THAT it was true, That the King, by his
 ‘ Tenures, might require the Service in War
 ‘ of those that held of him; but that if they
 ‘ continued with him above Forty Days,
 ‘ unless he gave them Pay, they would stay
 ‘ no longer; and that it was also true, that
 ‘ our Law look’d on the King as the *Jewish*
 ‘ Law did upon theirs, that by his Kingly
 ‘ Office he was to go in and out before the
 ‘ People, and to lead them in Battle against
 ‘ their Enemies; but that by the Laws of
 ‘ the *Jews*, their King could not undertake
 ‘ a Foreign War without the Consent of the
 ‘ *Great Sanhedrim*. And for our Law, it was
 ‘ declared by the Statute of 1 *Edw.* III. and
 ‘ by divers subsequent Statutes, That the
 ‘ King could not force any Man to go out
 ‘ of his Country, but upon the sudden In-
 ‘ vasion of the Realm by Foreigners: And
 ‘ how many of their Parliament Rolls bore
 ‘ witness, That the King did Advise with
 ‘ his Parliament about his Foreign Wars;
 ‘ and

and could not undertake them without their Advice, and Supplies from them.

THAT all the Power of the Militia was exercised either in Offending or Defending; That Defence was either against the Invasion of Foreign Enemies, or Domestic Insurrections: That against the last, the Sheriff of every County had the Power of the Militia in him; and if he should be negligent to suppress them with the *Posse Comitatus*, he was Fineable for it.

THAT every Man would be forward to give his Assistance against Foreign Invasions; that there would be no great need of raising Forces, when every body would be ready to Defend himself, and to Fight *pro Aris & Focis*.

THAT as to an offensive War against a Foreign Enemy, if the King would make it himself, he must Pay the Army himself, which his own Revenue would hardly do, nor could he force any of his Subjects to serve him in those Wars; that none could by Law be pressed to serve in the War but by Act of Parliament.

BUT not to waste any more of their Time, he said, he would conclude, That in his humble Opinion, the Power of the Militia was neither in the King alone, nor in the Parliament; but if any where, in the Eye of the Law it was in both conjointly: He thought it best it should be there still, and could not joyn with that Proposal of some, of settling the Militia of themselves without the King; but with those worthy Gentlemen who had moved, That they should once more Petition his Majesty, it might be settled in such Hands

as

1642. *W* as he and they should agree to Trust, who
 he hoped would be more careful to keep
 the Sword sheath'd, than to draw it.

UNHAPPY *England*! There was
 no reconciling of King and Parliament
 about this most important Affair of the Mi-
 litia, so that the Parliament now proceed-
 ed to settle it without him; and nothing
 now could be seen on either side but the
 grim and direful Aspect of a bloody Civil
 War, which soon ensued, both Parties
 thinking scarce of any Thing else but Arm-
 ing: But when it was proposed in the
 House of Commons, to raise an Army for
 the Defence of the Parliament, and the Mat-
 ter came to be debated, Mr. *Whitlock* made a
 most excellent Speech upon that Occasion,
 tending to an Accommodation, if possible,
 with the King, before Things came to the
 utmost Extremity; and the same here follows.

Mr. Speaker,

THE Question which was last pro-
 pounded, about raising of Forces, naming
 a General and Officers of an Army, hath
 been very rare before this Time in this
 Assembly; and it seems to me to set us at
 the Pit's Brink, ready to plunge our selves
 into an Ocean of Troubles and Miseries,
 and if it could be, into more than a Civil
 War brings with it. Give me leave, Sir, to
 consider this unhappy Subject in the Be-
 ginning, Progress and Issue of it.

CÆSAR tells us, (and he knew as much of
 Civil War as any Man before him) That
 it cannot be begun, *sine malis artibus*.
 Surely, Sir, Our Enemies of the Popish
 Church have left no evil Arts unessay'd to
 bring us to our present Posture, and will
 yet

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yet leave none unattempted to make our
 Breaches wider, well knowing that nothing
 will more advance their Empire than our
 Divisions. Our Misery, (whom they count
 Hereticks) is their Joy, and our Distra-
 ctions will be their Glory; and all evil
 Arts and Ways to bring Calamities upon
 us, they will esteem Meritorious.

BUT, Sir, I look upon another Beginning
 of our Civil War. God blessed us with a
 long and flourishing Peace, and we turned
 his Grace into Wantonness, and Peace
 would not satisfy us without Luxury, nor
 our Plenty without Debauchery: Instead
 of Sobriety and Thankfulness for our Mer-
 cies, we provoked the Giver of them by
 our Sins and Wickedness, to punish us (as
 we may fear) by a Civil War, to make us
 Executioners of Divine Vengeance upon
 our selves.

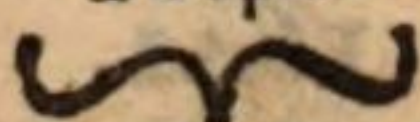
IT is strange to note, how we have insen-
 sibly slid into this Beginning of a Civil
 War, by one unexpected Accident after
 another, as Waves of the Sea, which have
 brought us thus far: And we scarce know
 how, but from Paper-Combats, by Decla-
 rations, Remonstrances, Protestations, Votes,
 Messages, Answers, and Replies. We are
 now come to the Question, of raising For-
 ces, and naming a General and Officers
 of an Army.

BUT what, Sir, may be the Progress
 hereof? The Poet tells you,

*Fusq; datum sceleri canimus, populumq; potentem
 In sua victrici Conversum viscera dextra.*

We must surrender our Laws, Liberties,
 Properties and Lives, into the Hands of
 info-

1642.



‘ insolent Mercenaries, whose Rage and
 ‘ Violence will command us, and all we have,
 ‘ and Reason, Honour and Justice will leave
 ‘ our Land; the Ignoble will rule the No-
 ‘ ble, and Baseness will be preferred before
 ‘ Virtue, Profaneness before Piety.

‘ OF a potent People, we shall make our
 ‘ selves weak, and be the Instruments of our
 ‘ own Ruine, *perditio tua ex te*, will be said
 ‘ of us; We shall burn our own Houses,
 ‘ lay waste our own Fields, pillage our own
 ‘ Goods, open our own Veins, and eat out
 ‘ our own Bowels. You will hear other
 ‘ Sounds, besides those of Drums and Trum-
 ‘ pets, the clattering of Armour, the roar-
 ‘ ing of Guns, the Groans of wounded and
 ‘ dying Men, the Shrieks of deflowered Wo-
 ‘ men, the Cries of Widows and Orphans,
 ‘ and all on your Account, which makes it
 ‘ the more to be lamented.

‘ PARDON, Sir, the Warmth of my Expres-
 ‘ sion on this Argument; it is to prevent a
 ‘ Flame, which I see kindled in the midst of
 ‘ us, that may consume us to Ashes. The
 ‘ sum of the Progress of a Civil War, is the
 ‘ Rage of Fire and Sword, and (which is
 ‘ worse) of brutish Men: What the Issue
 ‘ of it will be, no Man can tell, probably
 ‘ some of us now here may live to see the
 ‘ End. It has been said, He that draws
 ‘ his Sword against his Prince, must throw
 ‘ away his Scabbard: Those Differences are
 ‘ scarce to be reconciled; these Commo-
 ‘ tions are like the deep Seas, being once
 ‘ stirred, are not soon appeased. I wish the
 ‘ Observation of the Duke of *Roban*, in his
 ‘ *Interest of Christendom*, may prove a Cau-
 ‘ tion, not a Prophecie. He saith of *England*,
 ‘ That

1642.

‘ That it is a great Creature, which cannot be de-
‘ stroy’d but by its own Hand. And there is
‘ not a more likely Hand, than that of Civil
‘ War to do it. The Issue of all War is like
‘ a Cast at Dice, none can tell upon what
‘ Square the *Alea Belli* will light. The best Issue
‘ that can be expected of a Civil War, is,
‘ *Victor flet, Victus perit*; which of these will
‘ be our Portion is uncertain, and the Choice
‘ would be avoided.

‘ YET, Sir, when I say this, I am not for
‘ a tame Resignation of our Religion, Lives
‘ and Liberties, into the Hands of our Ad-
‘ versaries, who seek to devour us. Nor
‘ do I think it inconsistent with your great
‘ Wisdom, to prepare for a just and necessa-
‘ ry Defence of them. It was truly ob-
‘ served by a noble Gentleman, That if our
‘ Enemies find us provided to resist their
‘ Attempts upon us, it will be the likeliest
‘ way to bring them to an Accord with us.
‘ And upon this Ground, I am for the
‘ Question. But I humbly move you to
‘ consider, Whether it be not yet too soon to
‘ come to it. We have tried by Proposals of
‘ Peace to his Majesty, and they have been
‘ rejected: Let us try yet again, and ap-
‘ point a Committee, who may Review our
‘ former Propositions: And where they find
‘ the Matter of them (as our Affairs now are)
‘ fit to be altered, that they present the Al-
‘ terations to the House, and their Opinions;
‘ and that, as far as may stand with the Secu-
‘ rity of us and our Cause, we may yield
‘ our Endeavours to prevent the Miseries
‘ which look Black upon us, and to settle a
‘ good Accommodation, so that there may
‘ be no Strife between us and the other Party,
‘ for we are Brethren. The

THE honest Endeavours of the Gentleman being bore down with the Weight of the opposite Party ; and it being Voted, that an Army should be actually raised, under the Command of the Earl of *Essex* ; the King on the other side had issued out his Commission of Array, which being design'd to be put in execution by the Earl of *Berkshire* and others at *Wattleton* in *Oxfordshire*, Mr. *Whitlock* was commanded by the Parliament to do his utmost to prevent it, which he did effectually with a Troop of Horse and Company of Foot, and sent the Earl of *Berkshire* a Prisoner to *London*.

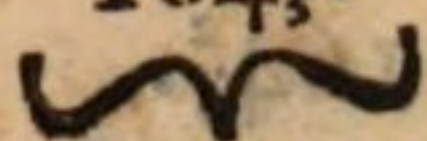
Mr. *Whitlock* had a gallant Troop of Horse of his own Neighbours under his Command, with which he advanced to meet the Lord *Say*, the Parliament's Lord Lieutenant for *Oxfordshire* ; and proceeding with their united Force to *Oxford*, Mr. *Whitlock* was nominated to be a proper Person to be Governor of that City, he being very well known to the Citizens, University, and adjacent Country, who were well pleas'd with him ; and the Students the more, because they knew him to be a Scholar, and a Member of that learned Body : But the Lord *Say* shewing no Inclination to fortifie the City, and make a Garison of it, several of the neighbouring Gentlemen offered to bring in a Thousand Men at an Hour's Warning, to be in Garison under Mr. *Whitlock*, with whom the Citizens were also well pleas'd, and would have done any Thing for the Defence of that Place, which the Lord *Say* wholly neglected.

THE King, after the Battle of *Keinton* or *Edgehill*, going for *Oxford*, and having granted a Safe-Conduct to Four Lords and Eight Commoners, to attend him there with Proposals of Peace from the Parliament, Mr. *Whitlock* was one of them, and used with the rest with great Favour and Civility by the King: Most of the Difficulties in this Treaty fell upon Mr. *Whitlock*; for the other Commissioners finding the Usefulness of his Pen, put him upon drawing up all their Papers to the King, which were afterwards transcribed by their Secretaries; and the Earl of *Northumberland*, with the rest of them, were very respectful to him upon that Account.

THE Peace was once on a very fair Foot; but the variable Temper of that unhappy Prince dashed it to Pieces all at once, to the great Grief of Mr. *Whitlock* and his Collegues; and nothing in the World could have been more acceptable to them, than the carrying of the Articles of it along with them to the Parliament. This made the Breach wider between the King and his People: The Commons were more sowered than before, and perhaps many of them by this time began to entertain other Views and Imaginations of Things than they had hitherto had; and while, some time after, the Lords would have a new Committee named to consider of some Proposals of Peace, the Commons differed from them, and would have had the Business referred to the Committee of both Kingdoms. In the Debate, Mr. *Whitlock*, who was for it, finding some of the Commons averse to any Propositions of Peace at all, he spake to them to this Effect:

Mr. Speaker.

1643.



Mr. Speaker,

' IT were no wonder, to see an unani-
 ' mous Concurrence of the whole House
 ' in furthering Propositions for a good Peace.
 ' The Calamities of our Distractions have
 ' brought us to it; and who is there a-
 ' mongst us that hath not in some Measure
 ' felt the Stroaks of them? I am sure, Sir,
 ' I have smarted by them. We may say
 ' here, but I hope never with the like Ap-
 ' plication, what *Tacitus* saith of the *Romans*,
 ' *Omnia discordiis civilibus fessa: The Land is*
 ' *weary with our Discords, being thereby polluted*
 ' *with our Blood.* God hath given you great
 ' Successes in many Places against our Ene-
 ' mies; and sometimes he is pleased to give
 ' our Enemies Success against us; in all of
 ' them, whether of the one or of the other
 ' Party, the poor *English* are still Sufferers.
 ' Whose Goods (I pray, Sir) are plundred?
 ' Whose Houses are burnt? Whose Limbs
 ' are cut, or shot off? Whose Persons are
 ' thrown into loathsome Dungeons? Whose
 ' Blood stains the Walls of our Towns, and
 ' defiles our Land? Is it not all *English*?
 ' And is it not then Time for us, who are
 ' all *Englishmen*, to be weary of these Dis-
 ' cords, and to use our utmost Endeavour
 ' to put an End to them. I know, Sir, you
 ' are all here of the same Opinion with me
 ' in this Point; and that it was an unhappy
 ' Mistake of those, who told us in the begin-
 ' ning of our Warfare, That it would be
 ' only to shew our selves in the Field with
 ' a few Forces, and then all would be pre-
 ' sently ended. We have found it other-
 ' wise. Let us now again seek to recover
 ' those Blessings of Peace, whereof we are
 ' told,

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told, *Ni tam populare quam pax*; That nothing is more popular than Peace, more gracious to be heard of, more pleasing to be desired, more profitable to be enjoyed. I am sorry we have so much and so sad Experience, as well as other Arguments, to convince us of this Truth: You think best to refer it to a Committee of both Kingdoms; and you cannot find more able and faithful Men to Trust in this Business: The Lords think fit that another Committee be named, to whom this may be referred. Whilst we differ upon the Committee, we lose the Business, and do not pursue Peace. I am perswaded, Sir, you cannot hardly name any Committee, either within or without those Walls, but would be ready to take Pains to effect this good Work; unless it were those, who have said, That if this War be well managed, it may last Twenty Years. Those were not *English-men*. And altho' we have *Irish, French, Dutch, and Walloons*, ingaged for the Settlement of the Protestant Religion and Laws of *England*; yet I am perswaded, That his Majesty and you mutually endeavouring, (as it is both your Interests) none can hinder it. It is true, That these Foreigners help to open the Veins wider; but a Peace will rid us of them, and stop the Issue of Blood: But if it Bleed on still, we must be faint, and perhaps become a Prey to Foreigners. Sir, I humbly Move, we may endeavour without more Loss of Time, to satisfy the the Lords with Reasons, that it is fittest to have this Matter referred to the Committee of both Kingdoms; yet if their Lord-

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ships shall not be satisfied herein, let us
 Consent to name another Committee, rather than suffer so desirable a Business to be protracted: Let us consent to any Thing that is just, honourable, and reasonable, rather than in the least to neglect to seek Peace, and to pursue it.

THE Commons would not recede from their Intentions of referring the Business of the Peace to a Committee of both Kingdoms; and at length the Lords acquiesced. In the mean while, the Assembly of Divines sitting at *Westminster* having Leave to dispute the whole Matter of the Ordinance for Ordination of Ministers, and for Settling the Government of the Church; and it being proposed to have the Question put, That the Government by Presbytery was *Jure Divino*; Mr. *Whitlock*, who attended the Debate, thought fit to speak to that Question in the Assembly: And to give you a Taste of the great Insight and Knowledge he had, as well in Ecclesiastical as Civil Affairs, take what he said upon that Subject in his own Words.

Mr. Prolocutor,

I MIGHT blush to speak in this Reverend Assembly upon the Question now in Debate before you, had I not, by the Honour of being one of your Members, seen your Candour to others, and observed you to be most able to give Satisfaction to any Scruples here, and to enable such as I am to satisfy Objections abroad, whereof I have met with some, your Question (it seems) not being under Secresie.

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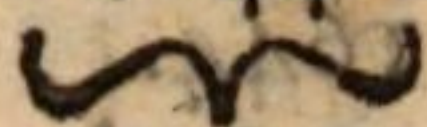
' IT is said, Sir, That this Question is ve-
 ' ry large and comprehensive, and they in-
 ' stance upon the Terms of it, Government,
 ' Church, Presbyteries, and *Jure Divino*; all
 ' which, they say, are of various Significa-
 ' tions, and your Meaning by them not easie
 ' to be understood. The Word Govern-
 ' ment, you well know, Sir, is proper for
 ' the Guidance of a Ship; so Cicero useth it,
 ' *Et si in ipsa gubernatione, negligentia Navis*
 ' *est eversa.* And so in Plutarch, *Τέχνη κυβερνητική*, is, The Art of Steering a Ship.
 ' And the Greek Word *κυβερνήσις*, from
 ' whence some fetch our English Word
 ' Government, hath the same Sense. All
 ' take it for the prudent, and well-ordering
 ' and managing of Persons and Affairs, that
 ' Men may live well and happy; and this
 ' I also take to be your Sense in the Word
 ' Government. The Word Church, I con-
 ' fess, admits more variety of Interpreta-
 ' tions, and I must not waste so much of
 ' your Time, nor is it needful to Persons of your
 ' great Learning to reckon them. As some-
 ' times it is taken in the large Sense of all
 ' Believers, and sometimes in the Sense of
 ' every particular Congregation of God's
 ' People, and of Believers in a Nation;
 ' and you know, the Greek Poet takes
 ' *Ἐκκλησιάζουσα*, for, Meeting of Mirth or
 ' Jollity. But to take the Word in the Sense
 ' it was first introduced by the Popish Cler-
 ' gy, I am sure, will not be admitted by
 ' you. They used indeed many canting
 ' Expressions, as Ecclesiastical and Lay, Spi-
 ' ritual and Temporal, Church and State,
 ' and the like; and all were to make a Di-
 ' stinction between themselves and other

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Men, that they might be accounted more Holy, and, as a distinct Nation in the midst of a Nation, to bring more Reverence and Privilege, and Money to them, than otherwise they could obtain. Some would say of the Puritans, That they used a kind of canting Language, to bring them into the more Scorn. I am sure the Imputation is more just upon the Popish Clergy; who by this Canting would exclude all others but themselves to be of the Church of Christ, and exalt themselves above their Brethren. Whereas, doubtless, every one, tho' never so much (as they term him) a Layman, is as much a Member of the Church (if he be a Believer) as they that wear Coats or Hoods, or Canonical Coats or Tippets. But, I suppose, you mean, by the Government of the Church, the ordering and ruling of Masters and Persons having relation to the Worship of God in the Meetings of his People in the Church, or in Things belonging thereunto, which by some are called Spiritual Matters. Thereupon it is objected by some, That Government, being a Civil Thing, cannot be exercised about Things that are Spiritual. Government is only external, and Spiritual Things are only internal, not capable of being ordered by any but the *ναρδασις*, the great Knower of Hearts, and are become the Power of Government of Men. But this Notion may go too far, perhaps: I hope to be informed by your learned Debates so as to have a clearer Understanding of it, and shall pass to the next Term of the Question, Presbytery. This Word, they say, was un-

unknown till of late, in the Sense many
do now use it: That among the *Jews*, it
was the highest Honour and Dignity gi-
ven to the Members of their Great *San-*
hedrim; and therefore is **not** now so pro-
perly to be attributed to **the** Rulers of
every small Congregation. I am none of
those, Mr. *Prolocutor*, who except against
the Presbyterian Government; I think it
hath a good Foundation, and hath done
much good in the Church of Christ.
But, Sir, whether this Form of Govern-
ment be *Jure Divino*, or not, may possibly
admit of some Dispute; and whether it
be now requisite for you to declare that it
is so. If the Meaning be, that it is *Jure*
Divino Ecclesiastico, then the Question will
be raised of the Magistrates imposing Forms,
and upon Mens Consciences; for then this
will be the Magistrates Imposition, *Jure*
Divino Ecclesiastico. But if the Meaning be
Jure Divino absolute, this is more than an
imposing by the Magistrate, it is the Pre-
cept of God; and they are in a sad Con-
dition, both Magistrates and People, who
are not under this Government. But it is
objected, That no Form of Government is
Jure Divino in this or that Particular, but
in the General only, *Let all things be done*
decently, and in order. A Government is
Jure Divino; but whether this or that Go-
vernment, whether Presbytery, Episcopa-
cy, Independency, or any other Form of
Government, be *Jure Divino*, or not;
whether there be a Prescript, Rule, or ex-
press Command of the Holy Scriptures,
for any of these Particulars, will not be ad-
mitted by many Men as a clear Thing.

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‘ It may be therefore not unworthy your
 ‘ Consideration, whether to give Occasion
 ‘ to these Disputes, or not; if you shall think
 ‘ fit at this time to forbear your Judgments
 ‘ in this Point, the Truth nevertheless will
 ‘ continue the same, and not be wronged there-
 ‘ by. If this Government be not *Jure Di-*
 ‘ *vino*, no Opinion of any Council can make
 ‘ it to be what it is not; and if it be *Jure*
 ‘ *Divino*, it continues so still, altho’ you do
 ‘ not declare it to be so. I therefore hum-
 ‘ bly submit it, Sir, to your grave Judg-
 ‘ ments, whether it be not better at this
 ‘ Time, when Disputes upon such Subjects
 ‘ as these are too apt to be raised, to avoid
 ‘ giving Occasion for them, which will but
 ‘ retard that Settlement of Government that
 ‘ is desired, and high time it were done.
 ‘ And that you may be pleased to present
 ‘ your Judgments to the Parliament, That
 ‘ the Government of the Church by Pres-
 ‘ byteries is most agreeable to the Word of
 ‘ God, and most fit to be settled in this
 ‘ Kingdom, or in what other Expressions
 ‘ you may much better know than I, it is
 ‘ fit to cloath your Questions; and I hope
 ‘ you may soon have a desired Issue.

The Assembly on their Part were exceed-
 ing fond of the *Jure Divino* Presbytery; and
 taking their Opportunity one Morning, as
 soon as the House of Commons sat, and
 was very thin, to present them, with the
 Assemblies Advice and Opinion for the Pres-
 byterian Government to be settled; and ha-
 ving inserted therein this Expression, That
 the Presbyterian Government was *Jure Di-*
vino; Mr. Glynn first, and then Mr. Whit-
 lock,

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ock, vigorously opposed it, enlarging his Discourse on purpose that the House might be full, as it was before he ended his Speech; and upon the Question, it was carried to leave *Jus Divinum* out; and Mr. *Whitlock* and others had Thanks given them from many of the Members, for hindring the House to be surpris'd in that important Matter.

BUT to return again to the Propositions of Peace, both Houses at length agreed in all Things relating to them, and Mr. *Whitlock* was one of the Four Members of the House of Commons appointed to carry them to the King: Having obtained a Safe-Conduct, they went first to *Reading* to enquire where the King was, thence to *Nettlebed* and *Wallingford*, in which last Place they were rudely enough treated by *Blake* the Governour, but worse still at *Oxford*, where Mr. *Hollis* and Mr. *Whitlock* stoutly collered and disarm'd Two of the King's bulkiest Officers, who came to insult them in their Inn; for which, they were afterwards highly commended by the Royalists themselves: However, Mr. *Whitlock*, and some of the rest, were visited by Sir *Edward Hide*, his old Acquaintance; and the Earl of *Lindsey*, who was ill of some Wounds he had received, sent a Gentleman in his Name to Visit Mr. *Hollis* and Mr. *Whitlock*, and to tell them, If he had been able to come abroad, he would have visited them himself.

THE Commissioners next Day having been admitted into the King's Presence, and kissed his Hand, Mr. *Hollis* and Mr. *Whitlock* thought themselves obliged to return the Earl of *Lindsey's* Visit, which, with the Consent of their Fellow-Commissioners, they did;

1644. the Earl, tho' ill a-Bed as he was, treated them with extraordinary Civilities and Respect: They had been there but a short while before the King entred the Room; and having saluted them very civilly, told them, He was sorry they could bring no better Proposals of Peace, nor more reasonable Ones than those were; and Mr. *Hollis* having answer'd, They were such as the Parliament had agreed, and he hoped they would have a good Issue of them; Mr. *Whitlock* said, They were but Servants to present them to his Majesty, and were very willing to be Messengers of Peace. The King hereupon own'd, he knew they could bring no other than what the Parliament would send; but at the same time confessed, he did not a little wonder at some of them, and particularly at the Qualifications; and Mr. *Hollis* having pray'd, That his Majesty would be pleased to consider of them as a Foundation for Peace; the King rejoyn'd, Surely, you your selves cannot think them reasonable or honourable for me to grant. Upon this, Mr. *Hollis* ingenuously confessed, That he could have wish'd some of them had been otherwise than they were, but that his Majesty knew all those Things were carried by Majority: The King owning that, and saying, He knew they were Wishers to Peace; Mr. *Whitlock* said, He had the Honour often to attend his Majesty before upon that Errand, and was sorry it had no better Effect. The King then wish'd, that others had been of Mr. *Whitlock* and Mr. *Hollis*'s Opinion; and they having thanked the King for his gracious and just Sentiments, wish'd they might have been capable to do his Majesty better Service.

NOW

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NOW the King expressing the Confidence he had in both of them, and asking their Advice what Answer he had best give to the Proposals they had brought; after Mr. *Hollis* had beg'd his Majesty to Pardon their Incapacity for it in that Juncture, Mr. *Whitlock* said, That they then by Accident had the Honour to be in his Majesty's Presence, but that their present Employment disabled them from advising his Majesty, if they had been otherwise capable to do it, in that Particular. The King having told them, he was a Judge of their Abilities, and requiring their Advice then only as in a private Capacity, they answer'd, That they believed his Majesty's Personal Presence with his Parliament would sooner put an End to the unhappy Distraction of the Nation than any Treaty: And persisting in it, His Majesty bid them let that pass; and having desired them both to withdraw into the next Room to confer together, and set down in Writing what Answer they thought most proper for him to return to their Message, and what in their Judgment might promote and facilitate the good Work of Peace; they retired accordingly, and Mr. *Whitlock* set down their Opinion in Writing, but varied his Hand, set no Name to the Paper, at the writing of which there was none present but them Two, nor did the King admit any other to hear the Discourse that passed between him and them. They left the Paper on the Table in the Withdrawing-Room, into which the King entred, and took it, and then with great Favour and Civility bid them farewell, and retired.

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SOME time after the Return of Mr. *Whitlock* and his Collegues to the Parliament, who a little before this had made Mr. *Whitlock* Attorney of the Dutchy of *Lancaster*, they ordered the Speaker to give them all Thanks separately as they stood up in their Places. And now he and Mr. *Maynard* were very late one Evening sent for by the Parliament's General, the Earl of *Essex*, to *Essex-House*, the Reason of which they were no ways appriz'd of beforehand: However, finding with him the *Scotch* Commissioners, Mr. *Hollis*, Sir *Philip Stapleton*, Sir *John Meirick*, and divers others, the General told Mr. *Whitlock* and the other, That he had sent for them upon a special Occasion to have their Council and Advice, and that in a Matter of great Importance to both Kingdoms, wherein the *Scotch* Commissioners were concerned for their Government, and we for ours; and that they, as well as the Earl and his Friends, being sensible of their Ability and Integrity, were very desirous to have their Advice. Mr. *Maynard* having returned a short Answer, and Mr. *Whitlock* declared, That he was confident his Excellency was fully satisfied of their Affections and Duty to himself, and to that Cause wherein they were all ingaged, and that he hoped the *Scotch* Commissioners would likewise entertain no ill Thoughts of them: The General then told them, The Lord Chancellor of *Scotland*, and the rest of the Commissioners for that Kingdom, desired, That they both by Name might be consulted with upon that Occasion; and that he would desire the Lord Chancellor, who was a much better Orator than he, to acquaint them with the Business.

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HEREUPON the Chancellor addressing himself to them both, said, He could assure them of the good Opinion both his Brethren and he had of their Merit and Abilities, or else they should not have desired that Meeting; and that since it was his Excellency's Pleasure that he should inform them with the Thing wherein their Advice was desired, he should obey his Command: And so proceeding in his Discourse, he said, They knew very well that Lieutenant General *Cromwell* was no Friend of the *Scots*; and that, since the Advance of their Army into *England*, he used all the Artifice he could to derogate from the Honour and Merit of that Kingdom: An ill Return for all the Hazards they had run, and the Services they had performed. That however they were fully satisfied of the Affections and Gratitude of the good People of *England* in general: That it was necessary for them, in order to the carrying on the Cause, wherein the Two Kingdoms were engaged, that that Obstacle should be removed, which otherwise they foresaw would be no small Impediment to them and the good Design on Foot: That he was not only no Friend to them, and to their Church-Government, but also no Well-wisher to his Excellency, whom all of them had Reason to Love; and if *Cromwell* were suffered to go on, it was to be feared the whole Affair might be endangered, and therefore they ought to consider of some way to prevent the impending Evil.

THAT they very well knew the Agreement that was between the Two Kingdoms by the Solemn League and Covenant; and that

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that if any one be an Incendiary between the Two Nations, how he is to be proceeded against. Now the Business was to know the Meaning of the Word Incendiary, and whether Lieutenant General *Cromwell* was such an one, and the best way to proceed against him if he was so, and to have his Wings clipt to prevent him from Soaring to the Prejudice of their Cause. Then he proceeded, and said, That by their Law in *Scotland*, he was reputed an Incendiary, who kindled Coals of Contention, and raised Differences in the State to the Detriment of the Publick, and he was *Tanquam publicus hostis Patriæ*. But that whether the *English* Law were the same or not, they knew best who were most skill'd therein; and therefore, with his Excellency's Favour, their Opinion was desired in that Matter.

Mr. *Whitlock* having taken the Word, and premised, that seeing none of the honourable Company was pleased to speak any more to the Matters proposed, and that perhaps it was expected something should be said by them, he should, with Submission to his Excellency and those honourable Commissioners of *Scotland*, humbly and clearly deliver his Opinion as to the Particulars mentioned by the Lord Chancellor: That they used the Word Incendiary in the same Signification as the *Scots* did; but whether *Cromwell* was such an Incendiary between the Two Kingdoms, could not be known but by Proof of his particular Words and Actions, tending to the kindling of that Fire of Contention between the Two Nations: That if it did not appear by Proof that he had done this, then he was no Incendiary; but
if

if otherwise, he was One, and to be proceeded against by the Parliament upon an Accusation brought there against him. 1644.

T H A T he took this for granted, That the Lord General and the *Scotch* Commissioners being Persons of so much Honour and Authority, ought not to appear in any Thing, especially an Accusation, but such as they could Discern before-hand could be clearly made out, and brought to the intended Issue: That otherwise, for Persons of their Dignity to enter upon a Business of that Moment, and not to have it digested before-hand so as to be certain to carry it, but to put it to a doubtful Tryal; in case it should not succeed according to Expectation, but that they should be defeated in their Design, it seem'd much to reflect upon their great Wisdom and Honour.

T H E N as to the Person who was to be accused as an Incendiary, he was of Opinion, It would be proper to consider his present Condition, Parts and Interest; of which Mr. *Maynard* and himself, by their constant Attendance in the House of Commons, were the more capable to give an Account to their Lordships; and that for his Interest in the Army, some honourable Persons there present, of his Excellency's Officers, were the best able to inform them.

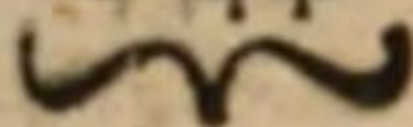
Mr. *Whitlock* still proceeding, said, He took Lieutenant General *Cromwell* to be a Gentleman of quick and subtil Parts, and one who had, especially of late, gained no small Interest in the House of Commons; neither did he want Friends in the House of Lords, nor Abilities in himself to manage his own Part and Defence to the best Advantage:

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vantage: That if it was so, it would be so much the more necessary that they should be well prepared against him before the Matter was brought upon the Stage, lest it should not terminate according to their Expectation.

THAT he had not heard any Particulars mentioned, either by his Excellency, the Lord Chancellor, or any other; neither did he know any in his private Observations, which would amount for clear Proof of such Things as would satisfy the House of Commons in the Case of Lieutenant General *Cromwell*, and pursuant to the Law of *England*, and the Method of Proceedings in Parliament, that he was an Incendiary, and to be punished accordingly: Wherefore he could not at that time Advise he should be accused for an Incendiary, but rather that Directions might be given to Collect such particular Passages relating to him, whereby their Lordships might judge, whether they would amount to prove him an Incendiary, or not: When that was done, they might wait again upon his Excellency if he pleas'd, when upon view of those Proofs they should be more capable to Advise, and their Lordships to Judge, what was fit to be done in that Matter.

Mr. *Maynard* was of the same Opinion as Mr. *Whitlock*, with which, notwithstanding what was said by others to the contrary, the *Scotch* Commissioners declared themselves satisfied, so did all the rest at last; so that he and Mr. *Maynard* were about Two in the Morning dismiss'd with Thanks and Compliments. Some would have it, that Mr. *Whitlock* discover'd the whole to *Cromwell*; tho' he himself



self says, they had some Cause to believe, that at this Debate there were false Brethren amongst them, who inform'd *Cromwell* of all that had pass'd. 'Tis certain, *Cromwell*, tho' he took no notice of any particular Passages at that time, seemed more kind to Mr. *Whitlock* and Mr. *Maynard* than he had been formerly.

THE Self-denying Ordinance being now in Agitation in the House of Commons, and a Clause offered to be added, That it should not extend to any Lord Lieutenant, Deputy Lieutenant, Justices of the Peace, or Commissioners of Oyer and Terminer, who were Members of either House of Parliament; many upon the Debate spoke against the Ordinance, and, among the rest, Mr. *Whitlock*, to this Effect:

Mr. Speaker,

I AM one of that Number of your Servants, who have no Office, nor Employment, but such as you are now about to Except out of this Ordinance, nor have Ambition for any; and therefore may the more freely and indifferently, yet with all Submission, humbly offer my Reasons against it, as that which I apprehend may prove Prejudicial to your Service. It hath been objected, That your House, and the House of Lords, are thin and empty, and you the less esteemed, having so few Members here; many of them being employed in Offices that they cannot attend the Houses: But that by this Ordinance they will be at Leisure and Liberty to attend the Service of the Parliament here, and the Houses be much fuller than now they are. I confess, Sir, this is fit to be remedied; but

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' but I apprehend, you have a fitter Way
 ' than by this Ordinance to do it ; that is,
 ' by iffuing out new Writs for Electing new
 ' Members in the Places of those who are
 ' Dead or Expelled ; and this will fatisfie the
 ' Objection, and engage divers of Interest
 ' and Quality the more immediately into
 ' your Service : Whereas this Ordinance will
 ' discontent many, and the Houses will be
 ' but little the fuller by the Paffing of it.
 ' Another Objection is, That if this Ordi-
 ' nance do not pafs, the Treaty of Peace
 ' will not fo well proceed, but the parti-
 ' cular Interest of Members of Parliament
 ' may retard the fame, but will be all taken
 ' away by this Ordinance. I am to seek
 ' how this can be materially objected, when
 ' I fuppofe, Whether this Ordinance pafs or
 ' not, yet you intend Members of Parlia-
 ' ment only to be your Commiffioners for
 ' that Treaty ; and in cafe fome of them be
 ' Officers, they will the better underftand
 ' your Bufineffes, on which the Treaty will
 ' be grounded. Another Objection is, That
 ' unlefs this Ordinance pafs, the great Work
 ' of new Modelling your Armies will not fo
 ' well be carried on ; for that, by putting all
 ' out, there will remain no Exception. I
 ' fhould have rather argued, That by putting
 ' out all Members from their Employments,
 ' the Exception and Discontent would be
 ' the more general ; and by leaving them
 ' ftill in their Employments, there would be
 ' lefs Competition and Solicitation for Offi-
 ' cers in their Rooms. Another Objection
 ' or Argument is, That the Members of
 ' Parliament, who are Officers, being of e-
 ' qual Power in Parliament, will not be fo
 ' Obe-

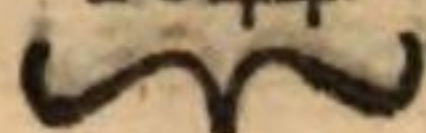
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Obedient to your Commands, as others,
who have smaller Interests, and would not
so much Dispute one with another. Surely,
Those, whose Interest is the same with
yours, have the more Reason to obey your
Commands than others, and have more to
hazard by Disobedience than others can
have, and in your Commands all your
Members are involved, and it were strange
if they should be backwards to obey their
own Orders. Nor will the Contests be so
frequent and high between them and other
Officers, as it will be between those who
will be of more equal Condition. But,
Mr. Speaker, As you consider the Incon-
veniencies, if this Ordinance do not pass;
so you will be pleased to consider the In-
conveniencies, if it do pass. You will lay a-
side as brave Men, and who have served
you with as much Courage, Wisdom,
Faithfulness and Success, as ever Men served
their Country. Our Noble General, the
Earls *Denbigh*, *Warwick*, *Manchester*, the
Lords *Roberts*, *Willoughby*, and others, in
your Armies, besides those in Civil Offices
not excepted; and of your own Mem-
bers, the Lord *Grey*, Lord *Fairfax*, Sir *Wil-*
liam Waller, Lieutenant General *Cromwell*,
Mr. *Hollis*, Sir *Philip Stapleton*, Sir *William*
Brereton, Sir *John Meyrick*, and many others,
must be laid aside, if you pass this Ordi-
nance. And I am to seek, and I doubt so
will they be, to whom you shall refer the
new modelling your Armies; where you will
find Officers that shall excel, if not equal
these. If your Judgments are, That for
the Publick Service it will be expedient to
remove any of them from their Command,

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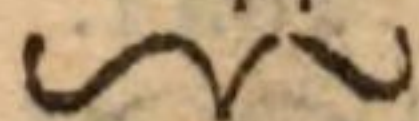


' let the same (if you please) be plainly
 ' made known to them from you. Let them
 ' have what they deserve, your Thanks for
 ' their former good Services, and they will
 ' not be offended, that you, having no
 ' more Work for them, do lay them aside
 ' with Honour. But to do a Business of this
 ' Nature, (as hath been well said) by a Side-
 ' Wind, is, in my humble Opinion, not so
 ' becoming your Honour and Wisdom as
 ' Plainness and Gravity, which are Orna-
 ' ments to your Actions. I shall conclude
 ' with the Example of the *Grecians* and *Ro-*
 ' *mans*, amongst whom, Sir, you know,
 ' that the greatest Offices, both of War
 ' and Peace, were conferred upon their Se-
 ' nators; and their Reasons were, because
 ' they having greater Interests than others,
 ' were the more capable to do them the
 ' greatest Service. And having the same
 ' Interest with the Senate, and present at
 ' their Debates, they understood their Bu-
 ' siness the better, and were less able to
 ' break that Trust which so nearly con-
 ' cerned their private Interests which was
 ' involved with the Publick; and the bet-
 ' ter they understood their Business, the bet-
 ' ter Service might be expected from them.
 ' Sir, I humbly submit the Application to
 ' your Judgment, your Ancestors did the
 ' same; they thought the Members of Par-
 ' liament fittest to be employed in the
 ' greatest Offices: I hope you will be of
 ' the same Judgment, and not at this time
 ' pass this Ordinance, and thereby to Dis-
 ' courage your faithful Servants.

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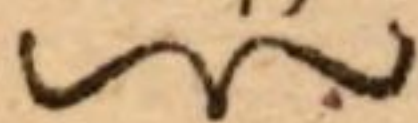
THE Treaty of *Uxbridge* being now set on foot between the King and Parliament, Mr. *Whitlock* was honour'd with being one of the Commissioners for the latter; and being visited by Sir *Edward Hide*, and having returned the same, long Discourses passed about the Treaty, and they endeavoured to persuade each other to a Compliance. When the Commissioners met to treat, the Militia was one of the first Things debated; and Sir *Edward Hide* in the first Place requiring to have it for granted, That the whole Power of the Militia, by the Law of *England*, was only in the King; Mr. *Whitlock* strenuously opposed him, denied the Case to be so very clear, and undertook to make it appear, That our Law did not positively affirm where that great Power was lodged, and doubted not but fully to satisfy the Commissioners in that Point: Hereupon it being moved, That a Day should be appointed to hear their Arguments: This was opposed by some of the Commissioners on both Sides, to prevent the loss of Time; so that they proceeded in the Treaty upon the Particulars of the Propositions of the Militia; and the Commissioners of both Kingdoms, at their return to their Quarters, gave Mr. *Whitlock* Thanks for encountering Sir *Edward Hide* as he did, wherein he was so confident, and said, The Honour of the Parliament was concerned therein, and vindicated by him. Mr. *Whitlock* was very serviceable in this Treaty, both by his publick Arguments, and private Applications to his Friends, on the King's Side, to make nearer Advances towards a Compliance, especially about the Militia.

1644.



BUT the Sword of Blood and Desolation was not yet to be sheath'd; The Treaty broke off, the War went on, and the Town of *Henly* upon *Thames* being in the Hands of the Parliament, and supplied with Necessaries, Mr. *Whitlock* was appointed Governour of it, and of the Fort of *Phillis Court*; which he the more readily accepted, as being his own House, and wherein he had a Garison of Three hundred Foot, and a Troop of Horse.

1645.



Mr. *Whitlock*, with divers Lords and Commons of both Houses, was about the middle of *April* this Year, made one of the Commissioners of the Admiralty, wherein there was an Alteration made some time after: But how great a Favourite soever Mr. *Whitlock* seem'd to be of the Parliament's, there was a Storm gathering against him, wherein he ran a great Risque of being overwhelm'd. We have already recounted the Discourse he and Mr. *Hollis* had with the King at *Oxford*, and what they did in pursuance of it: And it should have been observed, That the Lord *Savile*, having ranged himself on the King's Side at that time in *Oxford*, but since quitting the Royal Cause, Mr. *Gourden*, a Member of the House of Commons, presented a Letter to them from that Lord with a Paper inclosed, desiring that they might be read; which, after some Debate, was done accordingly: The Letter expressing *Savile's* great Affections to the Parliament, to whom he had came from the King, and submitted himself, and took the Oath injoyn'd; in Observance whereof, and of his Duty to the Parliament, under whose Protection he was, he held himself oblig'd to

to discover to them what he knew concern- 1645.
 ing Two of their Members, who had acted
 contrary to the Trust reposed in them, and
 to the Prejudice of the Parliament, in the
 Particulars contained in the inclosed Letter.

THE Paper imported, 'That Mr. *Hollis*
 and Mr. *Whitlock*, being Persons well-affected
 'to the King and his Cause, yet were Two
 'of the Parliament's Commissioners sent late-
 'ly to *Oxford*, with Proposals of Peace from
 'the Parliament; That they, being at *Oxford*,
 'did, and contrary to their Trust, and to the
 'Prejudice of the Parliament, Treat and Ad-
 'vise with the King, and some great Lords
 'about him, viz. The Earl of *Lindsey*, the
 'Earl of *Southampton*, and others, about the
 'King's Answer to those Proposals; and did
 'deliver a Paper in Writing, containing their
 'Advice to the King what his Answer should
 'be: That their Advice in the said Paper was
 'followed by the King, and some of the very
 'Words thereof were made use of in the
 'King's Answer; and that both before and
 'after that time, they held Intelligence and
 'Correspondence with the King and his Party
 'at *Oxford*.

THE Paper contained a great deal more
 to the same Purpose; upon the reading of
 which, several of the Members spake very
 high, and moved, That Mr. *Whitlock* and his
 Colleague might make immediate Answer
 to the Paper, or Charge, as some term'd it.
 Mr. *Hollis* indeed unadvisedly confessed more
 than he needed to have done. Mr. *Whitlock*
 was out of Town that Morning, and knew
 nothing of the Matter; however, he had
 very good Friends in the House, and among
 others, Mr. *John Lisle* stood up, and said,

1645. That, Mr. *Whitlock* being then absent, if they pleased he would undertake to give him Notice to attend that House the next Day.

SOME being not satisfied with the Order made accordingly, fiercely moved, That that being a Charge of High Treason against Two of their Members, in whom the Offence was greater than in others, that they would proceed with equal Justice, and that both of them might be committed to the *Tower*; upon which Sir *William Lewis* stood up, and, with as much Vigour on the other Side, said, That he could not but wonder at the Justice of those who would commit a Man to the *Tower* before he was heard, and the other, after he had fully answered that which they called a Charge; That he could not allow it to be a Charge, but a scandalous Libel against Two worthy Members, who, they all knew, had faithfully served the Parliament to the utmost Hazard of their Lives and Fortunes; and that because they had done so, and were so capable of doing further Service to the Parliament, one of their Enemies must come thither to throw a Bone of Contention among the Members: A likely Way, when their other Designs failed them, to do Mischief to the Parliament!

THEN he desired them to consider the Person against him, whom they called the Accuser, who was indeed an Accuser of the Brethren: That it was the Lord *Savile*, now dignified with a new Title from the King, of Earl of *Sussex*; and that perhaps this Piece of Service was to be part of that by which he was yet to Merit his new Title: That still he was the same Man, who was first of the Parliament's Side, from whom he revolted to

1645.

to the King, and was now revolted again from him to the Parliament; and that a Paper brought in from such a Man should be look'd upon as a Charge against Two worthy Members of their House, or be in the least a Ground to commit them to the *Tower*, he could not sufficiently wonder at the Reason or Justice of such a Motion as that was: But on the contrary, he rather thought it much more reasonable and just, That that Libel might be thrown out of the House, and the Contriver of it, the Lord *Savile*, be put under a stricter Confinement, and examined who put him on to promote it; and that Mr. *Whitlock* and Mr. *Hollis* might not be put to the Trouble of any farther Attendance about it.

THIS smart Motion of Sir *William Lewis's* was as briskly seconded by Sir *Philip Stapleton*, and others; and the Matter ended at present with Mr. *Lisle's* being ordered to give Mr. *Whitlock* Notice, That the House required his Attendance there the next Day; on which nothing was said to him in Publick, by reason of other Business, till about Twelve a Clock he acquainted the House, That he had received a Letter from a worthy Member, signifying their Pleasure, That he should attend them; which he then did accordingly, and humbly desired to know what the Business was.

SOME being for the reading of the Letter and Paper of the Lord *Savile's* presently, and others for it in Two or Three Days, Mr. *Whitlock* desired it might be the next Day, which was agreed: And the Letter and Paper being read to him about Ten in the Morning in the House, he stood up in

1645.

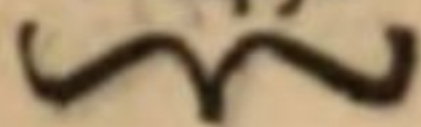
his Place, and, by way of Narrative, deliver'd himself to them to this Effect:

‘ THAT he was happy, since he must
 ‘ be under an Accusation (which was no
 ‘ trifling Thing) in that honourable House,
 ‘ that that Gentleman the Lord *Savile* was
 ‘ his Accuser; and yet more happy, that
 ‘ they, to whom he had been so long a Ser-
 ‘ vant, and who knew his Ways so well,
 ‘ were to be his Judges: That he should
 ‘ say nothing concerning the Lord *Savile*,
 ‘ because he was his Accuser; but that he
 ‘ should give a short and true Answer to the
 ‘ several Parts of his Accusation, with all
 ‘ Ingenuity and Submission to their great
 ‘ Judgment.

‘ A S to the first Part of his Accusation,
 ‘ *That he was a Person well-affected to the King*,
 ‘ he gave no Instances of it; nor was it a
 ‘ Crime to be well-affected towards his So-
 ‘ vereign; they had all expressed the same
 ‘ in their Covenant. That indeed he could
 ‘ give some Instances to the contrary; as
 ‘ the plundering his Goods, seizing the Pro-
 ‘ fits of his Estate, (in Consideration of
 ‘ which he had afterwards 2000*l.* given him)
 ‘ indicting his Person of High Treason for
 ‘ serving them, and giving away his Inhe-
 ‘ ritage to Sir *Charles Blount*, a Papist, which
 ‘ were no great Motives to an extraordinary
 ‘ Affection, more than a Subject was oblig’d
 ‘ to his Prince.

‘ BUT that if the Lord *Savile* meant,
 ‘ by his being well-affected to the King,
 ‘ that he was well-affected to Peace, he
 ‘ confessed he was a passionate Lover of a
 good

1645.



good Peace, and a Seeker of it, and had thereby testified his Affection both to King and Parliament; and that the longer their Troubles continued, the more they should be all of that Opinion and Affection: He hoped, he might be thought capable of his Duty to the King, to understand what Protection he was to have from him, the mutual Relations of both, and further he held himself disoblig'd.

HAVING proceeded thus far, he entered upon the Second Accusation, *That he met at the Earl of Lindsey's Lodgings in Oxford, to Advise about the King's Answer to their Proposals, and that he did there give Advice to the King contrary to the Trust reposed in him by the Parliament*: To which, he answered, That when the Parliament's Commissioners came to Oxford, they agreed among themselves, among other Things, as to Matters of Civilities and Visits, That they should not visit those that were excepted in the Parliament's Proposals; but that they might return the Visits of others, or such as sent Visits to them: That the Earl of *Lindsey* had sent to visit Mr. *Hollis* and himself, with a Compliment, That he was not well, else he would have come himself to visit them at their Lodgings; and that Mr. *Whitlock* having a particular Relation to, and Alliance with him, they went together to return the Compliment, according to the Consent and Approbation of their Fellow-Commissioners, whom they first acquainted with it; That when they came to the Earl's Lodgings, they found the Earl of *Southampton*, the Lord *Savile*, and others, there; but it was so far from

1645. from being a stated Meeting, that they knew nothing at all of their being there till they saw them in the Room.

THAT there was much Discourse between them about the Parliament's Proposals, the Royalists urging the Unreasonableness of them, while Mr. *Whitlock* and his Colleague affirmed the contrary, and vindicated the Parliament's Honour in them: The Lords also had some Discourse about the *Scotch* Commissioners, whom they affirmed to be averse to Peace, but that they assured them to the contrary, and were willing to have a good Peace: That the Business of Presbytery, and the Point of *Jure Divino*, was had up by the Lords, who were answered, That the *Scots* were off from their rigid Presbytery, and did not insist upon the Point of *Jure Divino*.

THE Lords likewise talked of Tumults, and of Persons and Petitions brought to *Westminster*, in a violent and disorderly manner: That Mr. *Whitlock* and his Colleague did not speak of any violent independent Party, nor any of the Words mentioned in my Lord *Savile's* Paper, nor that the Propositions were unreasonable. The Lords indeed pressed very much, that they were unreasonable, particularly the Proposals about Religion, and the Militia, but were answered, Unless the King would grant them, it would be in vain to treat of any Peace; That there had been also much Discourse about acknowledging them to be a Parliament, which the Earl of *Lindsey* said, The King had done by the Words, *Lords and Commons of Parliament*: To which it being reply'd, That it was the same Style the King gave

gave to the Assembly at Oxford, and that they could not be satisfied with that Acknowledgment; they insisted to be styled, *The Lords and Commons assembled in the Parliament of England at Westminster.* 1645.

Mr. *Whitlock* having wound up his Discourse, with saying, It was no small Trouble to his Thoughts to have his Name questioned in that House, but that he was comforted in his own Integrity and Innocence, and in his Accuser too, but chiefly in his Judges, to whom he most humbly and willingly submitted himself. There was a great Debate in the House, Whether the Lord *Savile's* Paper was an Accusation, or a Charge; many there were, who, in favour of Mr. *Whitlock* and Mr. *Hollis*, urged, That it was against the Privilege of the House to take it for an Accusation, being it came from the Lord *Savile*, who was an Enemy come from the King's Quarters, and one in Contempt to both Houses of Parliament, for refusing to Name the Person from whom he received the Letter concerning Mr. *Hollis*, and therefore committed a close Prisoner: That he had not discovered that to the Parliament in Five or Six Months together, that he had been in their Quarters; but that after he had been complained of by Mr. *Hollis* about a Letter, and that Mr. *Whitlock* was Chairman to the Committee appointed to examine the Business of the Letter, that then the Lord *Savile* pretended to bring in a new Accusation against them both.

ON the other hand, those who were not really Mr. *Whitlock* and Mr. *Hollis* his Friends, insisted, That that Business might be committed, to see if the Lord *Savile* would avow his

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his Paper and Letter, and by what Testimony he would make it good; and that Mr. *Hollis* and Mr. *Whitlock* might have Reparation, and be clear'd from that Asper-sion.

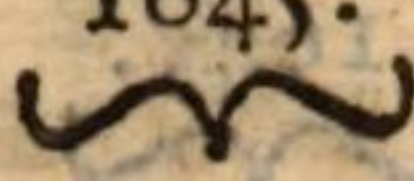
Mr. *Whitlock* indeed, in the main, was not so much struck at as Mr. *Hollis*, tho' of the same Party; both them, as well as the Lord *Savile*, appear'd in the Committee appointed in the general to Examine into the Matter, and stiffly (but calmly) deny'd what the Lord *Savile* alledg'd against them, with great Passion: Every particular Clause in his Paper were severally read, he heard to them, and they to make their Answer; which they both did, with this Reserve, That what they did therein, was out of a Desire they had to give all the Satisfaction they could to the Committee, or to any particular Gentleman; but that they hoped they should not be examined upon this as a Charge against them, which was not allow'd to be so by the House.

THEY, as well as their Adversary, having attended the Committee a second time; where many were present to promote the Design of ruining him, and the Earl of *Essex's* Party at the long-run, while the Recorder *Glynn*, Sir *Philip Stapleton*, Sir *William Lewis*, and many other grave Gentlemen, constantly attended to preserve them: Now the Lord *Savile* justifying his Paper as before; and that, in the King's Answer to the Proposals, there were divers Words and Expressions, the same with those in the Paper, which Mr. *Hollis* and Mr. *Whitlock* gave the Earl of *Lindsey* at Oxford: He was shew'd the Paper again, and required by the Committee

mittee to tell particularly the Words he meant : Whereupon desiring to see the King's Answer, and comparing that and their Paper together, he observed several Words and Expressions to be the same, and particularly set forth what they were. 1645.

THIS put the Recorder *Glyn* upon asking, Whether it were proved, that the Two Gentlemen attending them did give in a Paper at *Oxford*, which had in it those Words and Expressions cited by the Lord *Savile* to be in the King's Answer ; that he had not heard any such Thing proved : And then he thought the Observations of the Lord *Savile* upon the King's Answer to be of little purpose. Others there were, who desired to know how the Lord *Savile*, being admitted into the most secret Councils at *Oxford*, should become so well-affected as he pretended to be to the Parliament : To this he answered, That he was impeached at *Oxford* for somewhat spoken by him at those Meetings with Mr. *Hollis* and Mr. *Whitlock*, and that they met more than once at the Earl of *Lindsey's* Chamber.

THEY did not think fit to make any Reply to this, but appearing before the Committee another time, offered to make a Narrative to them for their Satisfaction ; and the Chairman moving, That as the Two Members were present when the Lord *Savile* was heard, so that Lord should be present when they made their Narrative : But this being over-ruled, and the Business carried so that they should be heard by way of Narrative, they both spoke much to the same Effect ; and denied some of the Lord *Savile's* Informations, which were not true, and he had
no

1645.  no Proof but his own Honour, which was not in much Esteem with most of them.

THE Two Gentlemen's Enemies in the House finding no very great Probability of carrying their Point against them, would try another way. Some Friend, who had sounded the Solicitor-General *St. John*, and the other Leading Men of the Committee, told Mr. *Whitlock*, That they found them not so inveterate against him as against Mr. *Hollis*, whom they were resolved to Ruin if they could: But Mr. *Whitlock* being so much involved in this Business with the other, with a generous Resolution could not be separated from the others Interest, they prepared accordingly for their Defence; and tho' several private Messages were sent to Mr. *Whitlock*, and some private Conferences held with him, That if he would desert Mr. *Hollis*, and discover what he knew against him, he should not only be preserved, but rewarded and preferred: Nothing could prevail upon him to commit a Breach of Friendship wherein he held himself deeply engaged.

July 12. ON the 12th of *July*, being to attend the Committee again, they procured the Earl of *Denbigh*, who had been one of their Fellow-Commissioners at *Oxford*, to come thither; and that he would be pleased to declare what he knew concerning the Matters in Question before them: The Earl said, he very well remembered, That at their first coming to *Oxford*, there was Care taken by them about the Management of their Carriage and Discourse there, that they were so punctual, that he read the Proposals beforehand, that there might be no Mistake: That it was resolved, as a Matter of Ceremony

*
* *

and

and Respect, that they should make Visits, 1645.
but not to any of those who were excepted
Persons, and they thought not fit to refuse
them, being in the Enemies Quarters.

THAT they agreed amongst themselves,
That by way of Discourse they should use
their utmost Endeavours, that the Parliament's
Proposals might be granted in general: That
the King should allow them the Title of
Parliament; The Government and Settle-
ment of the Church; And lastly, Of the
Militia: That they did agree, that this
should be the Subject in all their Discourses,
and that they should press the obtaining of
them.

THAT Mr. *Hollis* and Mr. *Whitlock* had
acquainted the Committee, That they had an
Intention to visit the Earl of *Lindsey*, and he
thought the Earl of *Southampton* too, and
soon after acquainted them with their being
there, and the Discourse that happened be-
tween them, with which he could not par-
ticularly charge his Memory, but remem-
ber'd but one Visit only they spake of, and
that it was part of their Agreement to ac-
quaint one another with all the Circum-
stances of their Visits; that he thought the
Lord *Savile*, as well as *Southampton* and *Lind-
sey*, were named by the Two Gentlemen to
have been at that Meeting; that he was
told by them, among other Things, they
had but little Hopes, and should have but
little Satisfaction in their Desires; that he
did not remember the Mention of any Paper
given in by the Earl of *Lindsey*; and in
Conclusion, desired that nothing might be
taken positively from him concerning any
Body.

THE

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THE Lord *Wenman*, after having told the Committee about their Visits, and the subject Matter of their Discourse, being much the same Things as the Earl of *Denbigh*, added nothing in a manner new, but that Mr. *Hollis* spake publickly, he had a Paper again; and that himself and Mr. *Whitlock* passing by *All-Souls* College, intended to visit Sir *Thomas Ailesbury*; but hearing that Sir *Edward Hide*, who was an excepted Person, was there, Mr. *Whitlock* forbore to go thither.

Mr. *Whitlock* and his Friend being in like manner spoke of as favourably by the other Commissioners as could be; the *Scotch* Commissioners also about this time gave them Notice by their Friends, that they had in their Hands certain intercepted Letters and Papers of the Lord *Savile's*, which he was sending to *Oxford*; and the chief Scope and End of them was, to be inform'd from thence, Whether Mr. *Whitlock* and Mr. *Hollis* kept Intelligence with the Duke of *Richmond*, Earl of *Lindsey*, or any other of the Royalists, that he might have the more Matter to accuse them upon. These Papers being at length brought under the Examination of the Committee appointed for the other Business of Mr. *Whitlock* and Mr. *Hollis's*, it was very plainly discovered, that the Lord *Say* was at the Bottom of this Design against them; and that these Letters were writ by his Advice, if not Contrivance; and the Lady *Temple* was made use of by him and the Lord *Savile* in this Matter.

THE Design and Endeavours to ruin them being made the more open and apparent by these Papers and Examinations, it not only took off the Edge of several Gentlemen,

men, who thought this Prosecution was not fair nor ingenuous; but their Friends made good use of it, both at the Committee, and afterwards in the House, and carried it by Vote, to have these Particulars, with the rest of the Examinations, reported to the Parliament.

WHEN the Report had been made to the House, and it being moved, Mr. *Whitlock* and Mr. *Hollis* might be further examin'd in the House, and that any Member might be at liberty to ask them what Questions they pleased; it was ordered, They should be separately examined: And it being moved, That Mr. *Whitlock* might withdraw while Mr. *Hollis* was under Examination, they could not carry that Point, which was opposed, as being contrary to the Privilege of the House: That there being no legal Charge against them, they ought to have the same Freedom and Liberty of Sitting as the other Members. After the Question, Whether Mr. *Whitlock* should withdraw, had passed in the Negative, he stood up, and frankly told the Speaker, That since the House had done him that Favour and Justice, and that Right to themselves in the Consequence thereof; yet now to manifest the Confidence he had in his own Innocency, and that he sought no Advantages for his own Vindication in that Business, he would of himself, with their Leave, withdraw, while the House should be engaged in the Examination of Mr. *Hollis*: Mr. *Whitlock* thereupon withdrew into the Committee Chamber; and after the Examining of Mr. *Hollis* was over, went into the House; upon which, Mr. *Hollis* withdrawing in his Turn, a multitude of Questions

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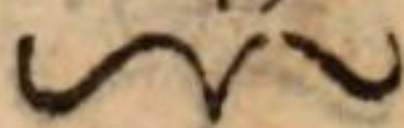
1645. were ask'd Mr. *Whitlock*, and Sir *Peter Wentworth* in particular put above Thirty to him himself: They were the same Things in Effect as have been already mentioned, and he had so well concerted his Answers, that they punctually agree with what Mr. *Hollis* had said before. The Earl of *Essex* his Party exerted their utmost Power and Interest to rescue these Two Members from the Malice and Danger they were exposed to, and the opposite Party, called the Independent, omitted no Artifice or Assiduity, one Way or other, to be rid of them both; but Mr. *Hollis* on the 18th of *July*, after a long Debate, being voted not Guilty of holding Intelligence with the Enemy, as was pretended, and fully acquitted thereof: This gave Mr. *Whitlock*, as well as himself, and all their Friends, who would have brought on the rest of the Business, tho' late at Night, good Incouragement. But the adverse Party, maddened that they were outvoted, would dexterously have declined any farther Proceedings in the House upon that Affair at that time, hoping to find an Opportunity to get farther Evidence against them, and then to revive it, and doubting, as Things stood at that time in the House, that the Gentlemen might be fully and honourably acquitted. You may be sure Mr. *Whitlock* and Mr. *Hollis* would the more earnestly press to bring the Business to a final Determination, whilst their Friends were in Town, and the House fully possessed of the Matter, and in so good an Humour and Disposition in their behalf, and could not be desirous to continue under a Cloud, and the various Discourses of the People, but to know their
their

their certain Doom, either of Condemnation or Acquittal. 1645.

THEIR Friends at last pressing the Matter close, yet not without great Opposition from the other Party, clearly carried it by Vote, That the Business should be resumed on the 21st without any farther delay; on which Day, after a long and warm discussing of all the Particulars and Arguments relating thereunto, they at last, upon the Question, passed a Vote to this Effect; 'That it not appearing that Mr. *Hollis* and 'Mr. *Whitlock* had done any Disservice in 'their Proceedings at *Oxford*, that therefore 'the Remainder and whole Matter of that 'Vote should be laid aside, and not be farther proceeded upon; and that the said 'Mr. *Hollis* and Mr. *Whitlock* should have liberty to Prosecute, if they pleased, the 'Lord *Savile*, then a Prisoner in the *Tower*, 'for Damages.

THUS ended this knotty and malicious Prosecution in the honourable Discharge of these Two great Men, of whom Mr. *Whitlock* absented himself from the House when they came to give Judgment. It was observed, That most, if not all, of the Gentlemen of the best Interest and Quality in the House, were for acquitting of them; and that it had never been known in any Affair before, that held so many Days, that the young Gentlemen, and others, who were wont, whatever Business was in Agitation, to go out to Dinner, or to some Refreshments and Diversions, should attend so constantly at the time that Business was in Debate, and not stir from it.

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IT was not long after this, that the Grand Business of the Church, and more particularly the Points of Excommunication and Suspension, came to be debated in the House; Mr. *Whitlock*, as well as Mr. *Selden*, shew'd the great Learning they had in Ecclesiastical Affairs upon this Occasion; tho', I believe, few or no Church-Men of any Denomination could then, or can at this Day, be found of their Opinion: However, 'tis proper we should give Mr. *Whitlock*'s Sentiments of these Things, and let the Reader judge as he pleases; and so his Speech here follows.

Mr. Speaker,

' THE Assembly of Divines have petitioned and advised the House of Commons,
' That in every Presbytery or Presbyterian Congregation, the Pastor and Ruling Elders may have
' the Power of Excommunication, and the Power
' of Suspending such as they shall judge ignorant
' or scandalous Persons from the Sacrament.

' By Pastors, I suppose, they mean themselves, and others who are or may be
' Preachers in the several Congregations,
' and would be *ἐπισκόποι*, Bishops, Overseers
' of those Congregations. By Ruling Elders, I take their meaning to be a select
' Number of such as in every one of those
' Congregations shall be chosen for the Execution of the Church-Government, and
' Discipline in them respectively. They
' may properly enough be called Pastors,
' from our Saviour's Charge to his Disciples,
' *Pasce oves meas, Feed my Sheep*: So that a
' Pastor is to feed those committed to his
' Charge with Spiritual Food, as the Shepherd
' herd

herd feeds his Flock with Temporal: If so, 1645.
how improper then will it be for those who
are to feed the Flock, to desire the Power to
Excommunicate any, to keep them from
Food, to suspend any from the Sacrament, to
drive them from feeding on the Bread of
Life, to forbid any to eat of that, whereof
Christ the great Shepherd of Souls hath
said, *Take, eat, &c.* To forbid those to
drink whom they shall judge Unworthy,
when our Saviour himself said, *Drink ye all
of this cup*; and St. Mark, c. 14. saith, *And
they all drank of the cup.* In the Old Testa-
ment; *Ho, Every one that thirsteth come ye to
the waters, and he that hath no money: come
ye, buy, and eat; yea, come, buy wine and
milk, without money and without price,* said
the Prophet *Isaiah*; yet now his Successors
would be authorised to say to some Per-
sons, you do not Thirst, tho' themselves
say they do; and to deny them Milk and
Water, Bread and Wine, when they de-
fire it. Surely, it is not proper for Pastors,
for Feeders of Flocks, to deny Food to
any of their Flock who shall desire it:
But some have said, That it is the part of
a good Shepherd, if he see one of his
Sheep going astray into a Ground where
Grass will bring a Rot, to chase him out of
that Pasture. And they apply it to Spi-
ritual Pastors, suspending those from the
Sacrament, whom they fear, by the Un-
worthy receiving of it, may *eat and drink
their own damnation.* This may be a cha-
ritable *Simile*, but will hardly be found a
full Answer; for it is not the receiving of
the Sacrament, but the unworthiness of
the Receiver, that brings Destruction.

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' And whether he be Unworthy or not, it
 ' is not in the Judgment of the Pastor, or
 ' of any other, but of the Party only who
 ' is the Sinner, for none can know his Heart
 ' but himself; and a Commission will
 ' scarce be produced for any other to be
 ' Judge thereof. The Person refused may
 ' say to the Pastor in this Case, *Quis con-*
 ' *stituit te Judicem?* Besides, the Authority
 ' desired is not only of Suspension, but of
 ' Excommunication, which is a total dri-
 ' ving or thundring away of the Party from
 ' all Spiritual Food whatsoever. And if a
 ' Shepherd shall chase away his Sheep from all
 ' Pastures, that indeed will bring the Hun-
 ' ger-Rot upon them. The more sinful
 ' Persons are, the more they have need of
 ' Instruction; and where can they have it
 ' better, than from the Lips of the learned
 ' and pious Pastors, which ought to pre-
 ' serve Knowledge? But it hath been said,
 ' That the Ruling Elders are to join with
 ' them. Let us enquire who they are in
 ' some Congregations in Country Villages;
 ' perhaps they may not be very learned
 ' themselves, yet the Authority to be given
 ' them is sufficiently great. The Word
 ' Elders, among the *Hebrews*, signified the
 ' Men of greatest Power and Dignity.
 ' The Members of their *Great Sanhedrim*
 ' were stiled Elders, so were the Princes of
 ' their Tribes. The *Grecians* had the Appel-
 ' lation in like Esteem, *Πρεσβύτεροι*, which we
 ' translate Elders, was given to their greatest
 ' Men; and from thence is fetched the
 ' Names of Presbyters or Priests, Presbytery
 ' or Presbyterian Government. The *Phæni-*
 ' *cians*, *Tyrians*, and other particular Nations,
 ' used

used the Word Elder in the like Sense, and
stiled their Generals and Princes by the
Name of Elders. The *Romans* did the
like; their Senate and their Senators came
all from *Senes*, Elders; and from them, to
this Day, the *French*, *Spaniards*, and *Italians*,
retain the Titles of *Seigneur*, *Seigniori*, *Se-
niori*, and the like, for their greatest Men.
And in *England*, we give the Name of Earls
to our great Lords, from Elder; to the
King himself the Title of Sir, abstracted
from *Seigneur*, an Elder. In Towns they
still keep the Titles of Aldermen, that is,
Eldermen, for the Chief and Rulers of the
Corporation. And so they may allow the
Title of Elders to the Chief and Select
Men of every Presbytery: Yet if this
Power, Excommunication and Suspension,
be allowed them, they may well chal-
lenge the Title of Elders in the highest
Signification. The Power of the Keys is
a great Power: The *Romish* Church will
acknowledge it, and the Foundation of
their Supremacy to be built upon it: *What-
soever they bind or loose on earth, to be bound
or loosed in heaven*, is a Power which may
claim the highest Title imaginable. Al-
tho' I can never presume, That the Reve-
rend and Pious learned Gentlemen, who
aim at this Power, can have the least Sup-
position of any such Effect by it; yet, if any
Petitioners should sue to you to be made
Judges or Justices, I believe you would
judge their Petition the less modest, and
them the less fit for such Offices; but to
this I make no Application, and I hope
none shall make any use of it. Power is
thought fit to be given to suspend Two

1645.
W

' sorts of Persons from the Sacrament, the
 ' Ignorant and the Scandalous. I am sure
 ' that I am a very Ignorant Person, and I
 ' fear we are all more Ignorant than we
 ' ought to be of the Truth of Christ, and
 ' some more than others. And the most
 ' Learned, I doubt, may be called in the
 ' large Sense, Ignorant. Even amongst the
 ' Pastors, and perhaps amongst the Ruling
 ' Elders, in some Places, the most Learned
 ' may in other Places be adjudged Igno-
 ' rant.

' THE more ignorant People are, the more
 ' some will blame their Pastors, who ought
 ' to instruct them, and by private Confe-
 ' rence inform them, and rectifie their Un-
 ' derstandings; and that is a good part of
 ' Spiritual Food: And to keep an ignorant
 ' Person from the Ordinances, is no way
 ' to improve his Knowledge. Scandalous
 ' Persons are likewise to be Suspended; and
 ' who shall be said Scandalous, is to be re-
 ' ferred to the Judgment of Pastors and Ru-
 ' ling Elders: But where a Commission is
 ' extant for them to execute this Judicature,
 ' will be hard to shew.

' BOTH Pastors and Elders, and People,
 ' are all Scandalous in the general Sense.
 ' We are all of us gross Sinners, and our
 ' best Performances are but Scandalous, as
 ' to the true and sincere Profession of the
 ' Gospel of Christ. Those who are Scan-
 ' dalous Sinners, ought to be admonished to
 ' forsake their Evil Ways, and to amend
 ' their Lives: And where can they receive
 ' this Admonition, and hope for more Con-
 ' viction of their Consciences, than by hear-
 ' ing good Sermons, and being admitted to
 ' be

1645.

‘ be Partakers of the Holy Ordinances ;
‘ but to Excommunicate them, deprives
‘ them wholly of the best Means for their
‘ Cure. The best Excommunication is, for
‘ Pastors, Elders, and People, to Excom-
‘ municate Sin out of their own Hearts and
‘ Conversations, to suspend themselves from
‘ all Works of Iniquity ; this is a Power,
‘ which put in Execution, through the As-
‘ sistance of the Spirit of God, will prevent
‘ all Disputes about Excommunication and
‘ Suspension from the Sacrament. A Man
‘ may be a good Physician, tho’ he never
‘ cut off a Member from any of his Patients ;
‘ a Body may be very sound, tho’ no Member
‘ of it was ever cut off ; and surely, a
‘ Church may be a good Church, tho’ no
‘ Member of it hath ever been cut off. I
‘ have heard here many Complaints of the
‘ Jurisdiction formerly exercised by the Pre-
‘ lates, who were but a few ; there will be,
‘ by the passing of this now desired, a great
‘ Multiplication of Spiritual Men in Govern-
‘ ment. Where the Temporal Sword (the
‘ Magistracy) is sufficient for Punishment
‘ of Offences, there will be little need for
‘ this new Discipline ; nor will it be so
‘ easily granted.

WE must leave this Matter, after a long
Debate, to be referred to the Consideration
of the Grand Committee, and proceed to
shew, That the Commons, having Respect
to the Learning of Mr. *Whitlock*, and his
other Merits in regard to the Publick, were
pleased to Order, That all the Books and
Manuscripts of the Lord *Littleton*’s, which
should be discovered, should be bestowed on
Mr. *Whit-*

1645. Mr. *Whitlock*, and that the Speaker grant his Warrant to search for them, seize, and put them into his Possession. Mr. *Whitlock* readily undertook the Business, as he had done others of the like Kind; and the rather, that he might preserve those valuable Things from being sold, and with a Resolution, whenever they were blessed with an happy Accommodation, to restore them to the Owner, or to some of his Family: Neither was Mr. *Whitlock* less useful in preserving the *Herald's* Office, he being very active to get an Ordinance to pass both Houses for Settling and Regulating the same, and also one of the Committee for that end; wherein, however, he found much Opposition from those who were affected to Levelling, towards which a great many People's Inclinations and Interest now violently hurried them.

1646. THINGS by this time were brought very low on the King's Side, Providence, for the Punishment of *England*, seeming to decline the Royal Cause apace. While General *Fairfax* was engaged in the Siege of *Oxford*, he sent for Mr. *Whitlock* to come to him into the Camp; and being admitted into the Council of War, did frequently, being a Man of profound Learning himself, and a Friend to the University where he had been Educated, express his Aversion to any Injury that should be done unto it; and pressed for honourable Terms to be offered to the Garrison there. General *Fairfax*, after the Surrender of *Oxford*, having commanded a select Council, among whom Mr. *Whitlock* was one, to Consult about disposing the Army to several Places

Places and Sieges where there was need of 1646.
them, and about reducing of *Wallingford*,
and what Conditions to send to them;
Mr. *Whitlock* was made use of as this Coun-
cil's Secretary upon these Occasions.

THE Army proving Victorious every where, 1647.
and most Places being now reduced under
the Obedience of the Parliament, some Hopes
there was of an Accommodation; but the
Soldiery began by this time to intermeddle
with the Civil Power: Several of the most
discerning Members in the House soon fore-
saw the evil Consequence of this, which, if
not timely prevented, would quickly bring
all Things into Anarchy. Of this Number,
were Mr. *Hollis*, Sir *Philip Stapleton*, Mr. Re-
corder *Glynn*, and others; who taking it to
be the best Expedient to disband the great-
est part of the Army, eagerly pursued it:
They pressed the Point both in Publick and
Private, as knowing it would generally please
the People, ease them of Taxes, and dispose
almost every one to be in love with, and so
to promote, a Peace.

I cannot affirm, Whether it was Point of
Policy, or any other Views, that made ma-
ny stanch Members of the House now for-
sake their old Friends, and go off to a new
Party; but Mr. *Whitlock* was certainly one of
them, and more particularly, among the rest,
was entertained with all Affection and Re-
spect, and highly courted by *Cromwell* and
his Adherents, who began to make use of
his Advice in many Things: And there ha-
ving been a Design about this time set on
foot to be rid of him out of the House, by
getting him sent into *Ireland*, to be Lord
Justice

1647. Justice for the exercising of the Civil Power, as General *Skippon* was to command the Army, and very desirous of his Company; he was not willing to undertake the Office, and *Cromwell* and his Party were against his going away.

AMIDST the Confusion and miserable Misunderstanding between the Army and Parliament, and between the King and both, there was an Order made, That the Royal Manuscripts and Books in *Whitehall*, because of the rude and ignorant Soldier's being there, should be removed to *St. James's*, and put up there; Mr. *Whitlock*, ever a lover of Learning, was active in procuring this Order, being much concerned for the Preservation of those rare Monuments of Antiquity and Literature that were in that Library.

NOW the Commons, towards the latter end of the Year, having made an Order, That the Earl of *Kent*, Sir *Thomas Widdrington*, and *Bulstrode Whitlock* Esq; should be Commissioners of the Great Seal of *England* for a Twelve-Month; the Ordinance was sent to the Lords for their Concurrence. Its not much to be doubted, but that these Commissioners were pitch'd upon beforehand by a private Juncto of *Cromwell's* Party: With this View, That *Kent* by his Quality was to give Countenance to the Authority: *Widdrington* was an eminent Lawyer by Profession, and allied to the General; and as for Mr. *Whitlock*, he was well known and understood in the House of Commons, having long attended there, and was justly reputed by them to be qualified for that great Employment: Besides, that the General had an Affection

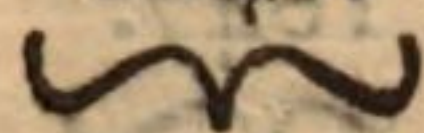
fection for him; that he himself had a good Interest in the House; and that *Cromwell* and his Adherents were willing to engage him, as far as they could, on their Side. 1647.

THE Lords agreed with this Ordinance of the Commons; but only desired, That the Lord *Grey* of *Werk* might be added to the Commissioners; and that one Lord and one Commoner should be of the *Quorum*: These being agreed to, the Two Lords acted for the present, till the return of Mr. *Whitlock* and Sir *Thomas Widdrington* from the Circuits, both of them still following the Practice of the Law, which was indeed their Profession: But being return'd about the middle of *April*, the Speaker of the House of Commons went up to the House of Lords, where Mr. *Whitlock* and his Colleague were sworn Commissioners of the Great Seal, (the Earl of *Kent* and the Lord *Grey* having been sworn before) and the Great Seal was delivered to them. They had likewise a Thousand Pounds *per Annum* Salary settled upon them; and the Commission for hearing Causes in *Chancery* was renew'd.

A new War was now Levied in the Kingdom for the rescuing the King out of his Confinement, of which we shall not enter into a Detail; all the World knows it ended in the Ruin of the Monarchy: But observe, That both Houses in the Summer of this Year having constituted the Earl of *Pembroke*, Constable of *Windsor-Castle*, and Keeper of the great Park and Forest; his Lordship not long after made Mr. *Whitlock* his Lieutenant of the Castle and Forest. 1648.

THE

1648.



THE Commissioners of the Great Seal, in *Michaelmas*-Term, going into the Court of *Exchequer*, and having taken their Seats there with the Barons on each Hand of them, and a great many Lawyers and others thronging round the Court, they there swore Mr. Serjeant *Wilde* to be Chief Baron: My Lord Commissioner *Whitlock* made a most learned and excellent Speech to him, which ought not to be omitted in this Place; and the rather, because it clears up divers Mistakes concerning the Antiquity of that Court. The Speech ran in these Terms:

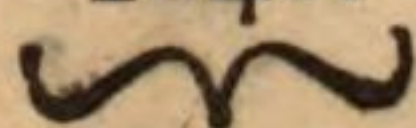
Mr. Serjeant *Wilde*,

‘ THE Lords and Commons in Parlia-
 ‘ ment taking Notice of the great Inconve-
 ‘ niency in the Course of Justice, for want
 ‘ of the ancient and usual Number of Judges
 ‘ in each of the High Courts of *Westminster*,
 ‘ whereby is occasioned Delay, and both Su-
 ‘ tors and others are the less satisfied; and
 ‘ desirous and careful that Justice may be
 ‘ administred *More Majorum*, equal Right
 ‘ done to all Men, according to the Custom
 ‘ of *England*; they have resolved to fill up
 ‘ the Benches with Persons of approved Fi-
 ‘ delity and Affection to the Publick, and
 ‘ of Piety, Learning and Integrity; and
 ‘ having found by long Experience among
 ‘ themselves, that you, Mr. Serjeant *Wilde*,
 ‘ are a Person thus qualified, and very well
 ‘ deserving from the Commonwealth, they
 ‘ have thought fit to Place you in one of the
 ‘ highest Seats of Judicature, and have or-
 ‘ dained you to be Lord Chief Baron of
 ‘ this Court. The Freedom of this Choice,
 ‘ without seeking, or other Means of Pro-
 ‘ motion,

1648.

‘ motion, this publick Consent for your Pre-
‘ ferment cannot but bring much Satisfaction
‘ to your own Conscience, and Encourage-
‘ ment to your Endeavours, against all Bur-
‘ dens and Difficulties which attend so great
‘ and weighty an Employment. Custom,
‘ and due Solemnity of this Work, and the
‘ Honour of that Authority by which we
‘ meet, requires something to be said upon
‘ this Occasion, and the Commands of my
‘ Lords have cast it upon me; for which
‘ Reasons, tho’ I acknowledge my Unfitness
‘ to speak upon this Subject, yet I presume
‘ upon a fair and favourable Interpretation.
‘ I shall borrow a little part of your Time,
‘ in speaking of the Antiquity of this Court,
‘ and of your Office in it, and of the Dig-
‘ nity and Duty of your Place. For the
‘ Antiquity of this Court, my Lord Coke in
‘ his Fifth Report, and 9 *Edw. IV. fol. 53.*
‘ and other Books, affirm, That the Four
‘ Courts in *Westminster-Hall* are of great An-
‘ tiquity, and that no Man can tell which
‘ of them is most Ancient: But if you cre-
‘ dit *Lambert* in his *Archeion, fol. 28.* this
‘ Court here was erected by *William* the
‘ Conqueror, after the Pattern of his *Exche-*
‘ *quer* in *Normandy*; and for Proof of this,
‘ he cites *Gervasius Tilburiensis*; but under
‘ Correction, I find in this Author, a Doubt
‘ made by himself, Whether this Court were
‘ not in the Times of the *English Kings*?
‘ And if so, it was before *William* the First’s
‘ time. *Lambert* saith, in the same Place,
‘ That this Court is of great Antiquity, and
‘ the Orders and Customs of it not to be
‘ disobeyed; *Gervas* of *Tilbury* asserts the
‘ great Antiquity and Customs of it; and if
‘ you

1648.



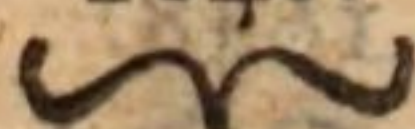
' you reckon the Antiquity and Customs
 ' (as we must) from the time of his Book,
 ' which was Dedicated to *Henry II.* and the
 ' Author acknowledgeth that he had Con-
 ' ference with the Bishop of *Winchester*, who
 ' was Son to the Conqueror's Sister, this
 ' Court must be before the Conquest, or it
 ' will hardly deserve the Words, *Great Anti-*
 ' *quity and Customs*, when *Geruas* of *Tilbury*
 ' did write, being so near the Conquest.
 ' *Lambert*, who citeth him also, observes,
 ' That the *Exchequer* in *Normandy* was the
 ' Sovereign Court for the Administration of
 ' Justice, and that it differeth not a little
 ' from the *Exchequer* here ; the less Reason
 ' under his Favour to have been a Pattern for
 ' it. I find in *Rot. Normanniae*, 2 *Johan.* a
 ' Writ *Baronibus de Scaccario in Normannia* ;
 ' and the Word *Baron* being *Saxon*, not like-
 ' ly to be brought out of *France* hither : And
 ' in *France*, this kind of Court, in all the
 ' Parliaments, is called *La Chambre des Fi-*
 ' *nances*, as may be seen in *Pasquier Recher-*
 ' *ches*, and *Haillan* ; and so it is called in
 ' *Normandy* at this Day, the Alteration be-
 ' ing made there by *Lewis XII.* And if we
 ' Credit him that derives the Word *Scacca-*
 ' *rium* from the *Saxon* Word *Schats* for Trea-
 ' sure, and *Zecherie* an Office, the Word
 ' is more likely to be fetch'd out of *England*
 ' into *Normandy*, than the contrary. My
 ' Lord *Coke*, in his Preface to his Third Re-
 ' port, citeth, *Will. de Rovill's Comment.* up-
 ' on the *Grand Customier* of *Normandy* ; and
 ' it is in the beginning of it that those Cu-
 ' stoms were taken out of the Laws of *Eng-*
 ' *land* about the time of *Edward* the Con-
 ' fessor, who, he saith, was *harum legum later* :

And

And with this agree *Selden's Duello*, fol. 22. 1648.
Cambden, the Book *de Antiquis Britanniae*
Legibus, and others, who also held, That
before the Conquest we had Escheats, Te-
nures, Reliefs, and Sheriffs, in *England*,
the particular Business of this Court. The
Register (the Ancient Book of our Law)
has divers Writs that were in use before
the time of *Will. I.* and many of the most
Ancient of them are directed, *Thesaurario*
& *Baronibus de Scaccario*; and the *Mirroure of*
Justice, (which my Lord Coke saith in his
Preface to the Tenth Report, was for the
most part written before the Conquest)
speaks of this Court, and of the *Deux Chi-*
valier qui solient estre appellez Barons: In
this Book, and in the *Register*, and in the
Black Book here, where there is mention of
the *Exchequer*, is also mention of the Ba-
rons, the principal Judges of the Court:
But with this Matter I have troubled you
too long; what hath been said upon it
was to clear a Mistake touching the Anti-
quity of this Court, and for the Honour of
our Law, and of the Court, and of your
Office in it, being so Ancient, as can
scarce be parallell'd in any other Nation.

WITH the Antiquity of your Offices
there hath always gone along great Dig-
nity and Honour. Sir Roger Owen, in his
Manuscript, discourseth plentifully on this
Subject, and cites *Prudentius*, who calleth
Judges the Great Lights of the Spheres;
and *Symmachus*, who stileth them, The
better part of Mankind. Indeed, in all
Nations and Times, great Reverence and
Respect hath been deservedly given to
them. We find the Judges often named
F Lords,

1648.



Lords, and Barons, in our Books of Law
 and Records: As 14 *Hen. IV. fol. 6.* recites,
 That it was determined for Law in *temps*
Monseigneur Robert Thorpe; and in the Sta-
 tute, 21 *R. II. cap. 12.* mention is of my
 Lord *Wi. Rickell*, who was a *puisne* Judge
 of the *Common-Pleas*; the like is in many
 other Places of our Year Books and Re-
 cords. When *Magna Charta* was made, it
 seems, That the Barons of the *Exchequer*,
 and the King's Justices, were held for suf-
 ficient Peers of Barons. On this Occasion
 we may observe (amongst many others)
 in the *Lieger-Book* of the Abbey of *Peter-*
borough, Two notable Records of Fines le-
 vied; the one, 29 *Hen. II.* before divers
 Bishops, and *Ranulpho de Glanvill Justiciario*
Domini Regis, & Richardo Thesaurar. & W.
Maldunt Camerar. and divers others, & *co-*
ram aliis Baronibus ibi tum presentibus; and
 another, 6 *Ri. I.* before the Archbishop of
Canterbury, and other Bishops, & *aliis Ba-*
ronibus, as Justices of the *Common-Pleas*.
Hoveden, pag. 702. noteth of the Great
 Chancellor in *Ri. I.* his Time, who was
Custos Regni in the King's Absence, *nil ope-*
rari voluit in regimine Regni, nisi per volunta-
tem & consensum sociorum suorum assignatorum,
& per Concilium Baronum Scaccarii. In these,
 and many the like Places, the Word *Baron*
 cannot signifie that Meaning wherein it
 was sometimes taken, of the *Saxon* Idiom,
 for a Freeholder; as *Barones London*, the
 Freemen of *London*, *Barons quinq; Portuum*,
 the Free-Suitor's Court; but it must be
 taken in the Places before cited, for the
 Name of Dignity and Title in this King-
 dom, which hath been so Ancient, and
 was and is of so great Honour and
 Esteem

Esteem amongst us. You see what Dignity and Honours, and deservedly, the Custom of this Nation affords unto their Judges. *Aristotle*, in his *Politicks*, tells us, That the Magistrate is set above the People, but it is for the People's Sake. A Reverence to the Person of the Judge, procures a Reverence to the Law pronounced by him. But I shall hasten to speak a few Words of the Duty belonging to your Office, as you are the Chief Judge of this Court, and in your Circuits, and other publick Employments in the Commonwealth. For the Duty of a Judge, there cannot be a better Direction than that Counsel which *Jethro* gave to *Moses* for appointing of Judges, That they should be Men of Courage, and Men of Truth; fearing God, and hating Covetousness. For Courage, I remember, in a Speech upon the like Occasion with this, of a Judge, (whose Memory I have a particular Cause to Honour) That the Life of a Judge is *Militia quædam*, if not *Martyrium quoddam*, in both which, Courage is requisite against the Assaults of Friends, of Family, of Servants, and the many Importunities and Temptations, which he shall meet withal; and a Martyr he must be in bearing Provocations, Censures, Scandals and Reproaches, which will be cast upon every Judge; one Party being always displeased, and not sparing, especially in these Times, to Censure the Judgment, be it never so upright. He must want no Courage to resist even the highest and greatest Powers. The Statute, 2 *Edw. III. c. 8*, saith, it is accorded and established, That it shall not be commanded by the Great Seal, nor the Little Seal, to disturb or delay Common

1648. *W* Right; and tho' such Commandment do come, the Judges shall not therefore leave to do Right in any Point: And to execute this Law, requireth Courage. Pursuant to this, is the Statute 14 *Edw. III. cap. 14.* and the Parliament Roll, 45 *Edw. III. N. 44.* and 2 *Rich. II. N. 51.* and all these are only declatory of the Common Law, as is evident before any of these Statutes, by the close Roll, 7 *Edw. II. M. 15.* where, in a Writ to the Chief Justice of the Common-Pleas, the King commandeth, *Quod propter aliqua mandata vobis sub magno, aut privato sigillo,* they should not forbear to do Right, *Iustitiam nemini denegando, vel deferendo:* And in our Books, 1 *Edw. III. fol. 26.* and 2 *Edw. III. fol. 3.* if the King command the Judges to do that which cannot be done by Law, they shall not do it.

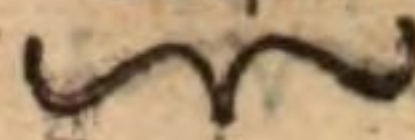
ACCORDING to *Magna Charta,* *Nulli negabimus, nulli deferemus Iustitiam, vel Rectum!* And this the Words of your Oath enjoin.

THE old Law of *Edward the Confessor,* in *Lambert, fol. 28.* commands the Judges to be equal to all, *Nec quicquam formident, qui Jus Commune audacter libereque dicant.* For this we have an excellent Precedent in *Matt. Paris, fol. 971. 41 Hen. III.* who relates, That *Nobiles firmitus confederati constituerunt sibi Iusticiarium, virum ingenuum, militem illustrem, & legum terræ peritum, Hugonem Bigod, qui Officium Iusticiarii strenue peragens nulla tenus permittat Jus Regni vacillare.* This is a good Example of a Chief Justice; and this *Jus Regni* is highly intrusted with every Judge; and I doubt not,

not, but that your self, who have this 1648.
 Trust hitherto so well performed, and the
 rest, whom the Parliament shall prefer,
 will perform this great Trust with Cou-
 rage, against which, Fear is not admitted
 as an Excuse; for so is the Petition of the
 Commons in the Parliament Roll, 1 *Hen. III.*
N. 47. That the Lords nor the Judges be
 not received in time to come, for their
 Excuse to say, That they durst not do, or
 say the Law, or their Intent, for doubt of
 Death, because *ils sons plus tenus de raison*
de garder leur ferment, que de doubter mort,
aucune forfeteur; one Word comprehends
 all upon this Subject. In the First of *Deu-*
teronomy, *A judge must not fear the face of a*
man.

IN the next Place, they are directed
 to be *men of Truth*; for the finding out of
 which, there are many Incidents requisite,
 as first Learning. In the Parliament Rolls,
 17 *Edw. III.* the Common Petition, That
 none may be made Justices but Men of
 Learning: And King *Alfred* took great
 Care in appointing and examining his
 Judges, that they should be Learned, as
Affer Menevensis testifieth; And *Bracton* saith
 of an unlearned Judge, *Ex alto corruit, quia*
volare satagit antequam pennas assumat. The
 Parliament have manifested their Care for
 the Choice of Learned Persons to be Judges;
 witness your self Mr. Serjeant, and those
 Reverend Brethren of yours, whom you
 will find upon the Benches, Men able to
 understand and convince the Subtilties of
 any Arguments tending to obscure the
 Truth; and thus Judges ought to be qua-
 lified.

1648.

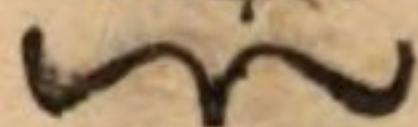


INDUSTRY is a Requisite for finding out of Truth: The Burthen of your Profession grows the heavier, when we are less able to bear it: A Judge is more conversant with his Books, and more spent with Travel and Attendance upon the Affairs of others in his old Age, than was required of him when a young Student; *Oportet Judicem cuncta rimari.* Patience also is necessary for the finding out of Truth; when the Judgment is clouded with Passion, the Truth will not be clearly discerned: The Digest directs a Judge not to give any *opprobriosa verba* to any in Judgment; no Impertinences, Importunities, Clamours, nor Reproaches, must move him: He is to learn from the Unbecomingness and Intemperances of others Passions, the better how to govern his own. He must also be patient in allowing sufficient Time, both for that which is not material, as for that which is; the Distinction is not easie, by the Discretion and Ingenuity of Counsel. The Law of Henry I. in Lambert, fol. 187. saith, *Ipsi coagentes frequenter interrogandi sunt an amplius dicere velint, an inde judicari, quia multa per surreptionem eveniunt;* the Words of our Judgments are significant to this purpose, and shew the Patience of your Predecessors; *Visis, plenius intellectis, matura deliberatione habita, consideratum est.* This was of so high Esteem among the Romans, that Cicero affirms, *Sola Judicis Justicia est Patientia;* and surely, That Judge doth seldom determine justly, that doth not hear patiently. Advice is very requisite for knowing the Truth; and it hath been the Custom of the Reverend Judges,

Judges, in Doubtful Cases, to have the
Opinion and Advice of their Brethren, ac-
cording to that Direction, 1 *Edw. III.*
fol. 11. where one Judge tells his Compa-
nion, That he should not begin a new
Thing, till he had heard his Fellows.
7 *Hen. VI.* A Judge of the *Common-Pleas*
sent into the Hall to know the Opinion of
the Judges of the *King's Bench*, and of the
Barons of the *Exchequer*, in a Cause then
before him. In the Reign of *Edw. II.* and
upwards, when any Difficulty was, then
all the Judges and Sages of the Law deter-
mined it, and their Assembly and Resolu-
tion was entred into the Roll. In the
great Case of *quare impedit*, between the
King and Prior of *Worcester*, concern-
ing an Appropriation, the Record saith,
Ad quem diem, &c. & examinatis, & intel-
lectis Recordo, & processu coram toto concilio,
tam Thesaurar. & Baronibus de Scaccar. quam
Cancellar. ac etiam Justiciariis de utroque
Banco, dicunt quod ad Dominum Regem per-
tinet presentare, Ideo consideratum est, &c.
With this agrees, *Hen. III. 2 Edw. I. Coram*
Rege in fine rotuli. Co. Lit. fol. 304. and se-
veral other Authorities; And in Cases of
more Difficulty, it was usual to adjourn
the Matter into Parliament. Impartiality
is likewise necessary to have the Truth
prevail; that neither great nor mean Men
may pervert it; nor to turn Truth into
Falshood, or Falshood into Truth.

IN the *Decret. of Erod.* it is Ordained,
Hoc Judex curare debet, ut equa Conditione liti-
getur. The like in the Laws of our An-
cient Kings, as in those of *Edgar*, to be
found in *Lambert, fol. 63. a.* is commanded,

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Publici juris Beneficio quisque fruitor, eique ex
bono (sive is dives, sive inops fuerit) jus re-
ditor. And in that of *Alured*, in *Lambert*,
fol. 20. Juste judicato, inopique & adversario
perinde atque diviti & amico sis æquus.
Bracton has it thus ; *Ut causa vidua ad eos*
libere ingrediatur, ut sint Orphano & Pupillo
adjutores. With these do agree frequent
 Constitutions of *Hen. I. Hen. III. Edw. I.*
 and other Times. As Judges ought to be
 Men of Truth, so they ought to be Men
 fearing God ; which is the next and high-
 est Duty of every Judge, the Beginning
 and the End of all Wisdom : He that doth
 not fear God, will be apt to fear Men ; and
 he that fears Men will never give a right
 Judgment. In the Laws of the Confessor,
 which are in the Notes upon *Eadmerus*, c. 4.
fol. 186. and in *Lambert*, *fol. 168.* in the
 Language of that Time the Words are,
Ententivement se purpensent cil qui les Judg-
ments ant a favre, qui si Judgment cum de-
sirent quant ils dient, dimitte nobis debita nostra :
 And indeed Judges have greatest Cause to
 fear God, whose Judgments they pro-
 nounce, and before whom they come in
 Judgment for those Judgments they give
 here. Hating Covetousness, is the last
 Part of this Charge to Judges ; where a
 Judge is not only forbidden to be Cove-
 tous, but commanded to hate Covetous-
 ness. Covetousness embraceth Bribery,
 and Bribery doth blind the Eyes of the
 Wise, and pervert Judgment. How odious
 this was to the People of *Rome*, appears by
 the Oration of *Piso* in the Senate, men-
 tioned in *Tacitus* ; and in our Nation, by
 the great Examples of Justice upon cor-
 rupt

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rupt Judges ; as in *Edw. I.* his time, when the Lord Chief Baron, among others, was Ransomed at 300000 *m.* which in our Account at this Day is 10000 *l.* and the Case of *Thorp*, 14 *Edw. III.* and too many others. He that is Covetous makes too much haste to be Rich, and the wise Man saith, *He cannot be innocent.* The Poets feign, That when *Plutus* is sent from *Jupiter*, he limps and goes slowly ; but when he is sent from *Pluto*, he runs and is swift of Foot. The Moral is : That Goods sent by *Pluto*, the Devil, come apace ; but Goods that are well gotten, come in but slowly. The Roman Word for them at the best, is *Impedimenta* : They are Hindrances to the due Execution of Justice, and all other good Actions. I shall commend the Counsel, not the Practice, of a great Judge of our Profession, my Lord *St. Albans* : Seek not proud riches, but such as thou may'st get justly, use soberly, distribute chearfully, and leave contentedly. As *Cicero* relates of *Rabirius*, *Posthumus in Studio rei amplificandæ, apparebat non avaritiæ prædam, sed instrumentum bonitatis quæri.* This concerns all good Men, and especially Judges, who should be the less intent upon their private Interest, that they may the more attend the Publick ; according to that of *Aristotle* in his *Pol.* *A Magistrate is the Keeper and Disposer of the Publick, and not of his own proper Goods.* Yet, for the better Encouragement and Support of the Judges, whose ordinary Allowances are no more at this Day than they were in *Edw. I.* his time, and then it was very Liberal ; it hath pleased the Parliament already to provide

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' in Part, and I am confident they will do
 ' the like in General ; that every Judge
 ' shall have a competent Supply and Salary,
 ' according to his great Pains and Quality,
 ' What I might say concerning the Course
 ' and Jurisdiction of this Court, will be
 ' better informed to you by my Lords the
 ' Reverend Judges your Associates, and by
 ' your own Knowledge. What I have said
 ' concerning the Duty of Judges, is no
 ' more but what I have seen practised by
 ' them, and by your self, when I had the
 ' Honour to plead before you. I have there-
 ' fore said the less, and what I have said is
 ' but according to the old Verse :

*Qui monet ut facias quod jam facis, ille monendo
 Laudat, & hortatu comprobat acta suo.*

' IN the present Choice which it hath
 ' pleased the Parliament to make of Judges,
 ' I doubt not but themselves will receive
 ' Honour, the People Satisfaction, and the
 ' Judges Comfort, which I heartily wish ;
 ' and to you, Mr. Serjeant *Wilde*, in parti-
 ' cular.

THE Parliament having taken upon them
 to make a new Call of Serjeants, and these
 appearing at the *Chancery-Bar* in the same
 Term ; my Lord Commissioner *Whitlock* de-
 livered himself very largely and learnedly
 to them upon that Occasion, to this Effect :

' THAT it had pleased the Parliament,
 ' in commanding these Writs to issue forth,
 ' to manifest their constant Resolutions to
 ' maintain the old settled Form of Govern-
 ' ment

ment and Laws of the Kingdom, and to supply the High Courts of Justice with the usual number of Judges, and to manifest their Respects to the Profession of the Law : And likewise to bestow a particular Mark of Favour upon them, as eminent Members of it ; their good Affections to the Publick, and the Abilities of most of them, he said, they knew by Experience among themselves, and of the rest by good Information. He acknowledg'd, That the Burden of that Business lay heavy upon him in regard of his own Weakness, and the Worthiness of the Persons to whom his Words were directed ; but that as he was of the least Ability to give, so they had the least Need to receive Instructions. That he should be unwilling to see the Solemnity of that general Call diminished, and was rather persuaded to supply his present Duty for several Respects.

First, He said, for the Honour of that Authority which commanded their Attendance, and his Service upon this Occasion.

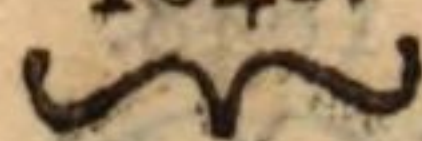
Secondly, For the Honour of that Court, which challenged a great Share in that Work ; their Writs issuing from thence, their Appearance there recorded, and their Oath was there to be taken.

Thirdly, The Honour and particular Respects which he had for them that were called to that Degree.

And Lastly, Out of his own Affections to the Degree, he being himself the Son of a Serjeant, and having the Honour to be one of their Number in that Call ; and he did acknowledge, that both in his Descent and Fortune he was a great Debtor to the Law.

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‘THAT, for these Reasons, he presum’d
 ‘(especially being with those from whom he
 ‘had by long Acquaintance found much
 ‘Friendship) that he should now receive a
 ‘fair Construction of what he spoke upon
 ‘this very great Subject.

‘MY Observations, continued he, shall
 ‘be upon your Call by Writ, and upon the
 ‘Writ it self. Your being called by Writ, is
 ‘a great Argument of the Antiquity of Ser-
 ‘jeants.

‘THE Register hath many Writs (as
 ‘my Lord Coke holds in his Preface to the
 ‘Tenth Report) that were in use before the
 ‘Conquest; and in the most ancient Ma-
 ‘nuscript Registers is your Writ, of the
 ‘same Form with those by which you are
 ‘called; and if there had been any Altera-
 ‘tion within Time of Memory, it would
 ‘probably have been Extant.

‘WE find Serjeants at Law often men-
 ‘tioned in our Year Books, and in the Re-
 ‘cords in the *Tower*, as high as the begin-
 ‘ning of *Edward I.* and by *Bracton*, who
 ‘writ in *Henry III.* his time. And it may
 ‘probably be conjectured, That *William de*
 ‘*Bussey* was a Serjeant, by his Habit of the
 ‘Coif, and his Office; of whom *Matthew*
 ‘*Paris* relates, 42 *Hen. III.* That he was *Se-*
 ‘*nescalus, & Principalis Consulianus Gulielmi de*
 ‘*Valentia*; and being accused for great
 ‘Crimes, upon his Tryal, when he could
 ‘not acquit himself, *voluit ligamenta suæ Coi-*
 ‘*fæ solvere, ut palam monstraret tonsuram se*
 ‘*habere clericalem*, and so to have avoided
 ‘Judgment, but it would not serve his
 ‘Turn.

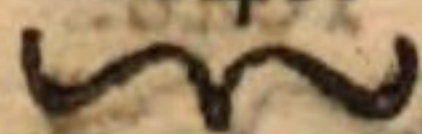
‘THUS

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'THUS far it is granted by a little Manu-
 ' script Treatise, which endeavours to De-
 ' tract from the Honour of this Degree, and
 ' therefore requires an Answer. It asserts,
 ' That by *Magna Charta*, (*Communia Placita*
 ' *non sequantur Curiam nostram*) the Court of
 ' *Common-Pleas* was erected, and that some
 ' of our Profession, by Writ then framed,
 ' were commanded to attend that Lower
 ' Court, the Lawyers being generally un-
 ' willing to leave the King's House, where
 ' the other Courts of Justice then sate, and
 ' to attend this new Court elsewhere. It is
 ' reasonable well that they are allowed the
 ' Antiquity of 9 *Hen. III.* and by this are as
 ' Ancient as the *Common-Pleas* Court; but
 ' the Errour, that this Court was erected
 ' 9 *Hen. III.* is sufficiently refuted. The
 ' same great Charter is in *Matthew Paris*, in
 ' King *John's* time, with the Words of *Com-*
 ' *munia Placita*, &c. in it: But I presume
 ' his Meaning is, That before the Statute of
 ' *Magna Charta*, there was no Court of
 ' *Common-Pleas*, tho' his Words be before
 ' 9 *Hen. III.*

' IT is manifest by undeniable Authori-
 ' ties, out of Ancient Manuscripts and Rolls,
 ' and the Black Book of *Peterburgh*, That
 ' Cases were adjudged in *Ric. I.* and *Hen. III.*'s
 ' time, *Coram Justiciariis in Banco residentibus*;
 ' the Names of those that were then Judges
 ' of this Court, are set down many Years
 ' before *Magna Charta* was granted; which
 ' by *Hoveden*, *Paris*, and others, are said
 ' to be the Laws of *Edward the Confessor*.
 ' And if it be admitted, That Serjeants are as
 ' Ancient as these Laws, they allow them
 ' the Antiquity of the Confessor; and if as
 ' Ancient

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' Ancient as this Court, they certainly are
' as Antient as any thing in our Law.

' BUT the Author of this Treatise affirm-
' eth, That before the Erection of the Court
' of *Common-Pleas*, it cannot be shewed that
' there were any special Serjeant-Pleaders.
' I am of his Opinion, and likewise that
' no Man can shew when that Court was
' first erected; which is also the Opinion of
' my Lord Coke in his Fifth Report, 9 *Edw.* IV.
' Sir Roger Owen, Lambert, and others. Yet,
' if the Author means, That before *Magna*
' *Charta*, 9 *Hen.* III. there were no such Ser-
' jeants, he may be satisfied to the contrary
' out of *Hoveden* and *Paris*, who lived in
' *Richard* I. and *Henry* III.'s time, and are
' Authors of good Credit. They recite the
' Charge of the Justices in *Eyer*, given in
' *Rich.* I. and King *John*'s time: One of
' their Articles is, To Enquire of the Ser-
' jeants at Law and Attornies Fees.

' IN the Book of Entries, in a Bill of
' Debt against a Serjeant at Law, in the
' *Common-Pleas*, he shews and prescribes,
' That Serjeants could not be sued there by
' Bill, but by Writ out of the *Chancery*; and
' this being by Prescription, shews, That
' Serjeants were before the time of *Rich.* I.
' And the *Mirroure of Justices*, (which I pre-
' sume they will not deny to be yet more
' Ancient, which my Lord Coke holds to be
' written before the Conquest) saith, *A*
' *Countor est un Serjeant sachant in la loy de*
' *Realm*, to pronounce and defend Actions
' in Judgment.

' FROM the Antiquity of the De-
' gree, he proceeded to his Observations
' upon the Words of their Writ, which
' he took in order as they were, thus:

' *Quia*

Quia de advisamento Concilii nostri, &c. 1648.

These Words are in the Writs of Creation of Peers, and in the Summons of them, both Spiritual and Temporal, and of the Judges and King's Council, to the Parliament, and in your Writs, but in no other, except upon some high and weighty Occasions touching the publick Safety, and the like. And for your great Honour in this Council, by Advice of which you are called to this Degree, is the great Council of the Kingdom.

THE next Words in your Writs are, *Ordinavimus vos*, &c. in the Plural Number, in the Second Person, which is an Enallage of Number, chiefly to express the Excellency in the Person to whom it referred. *Selden* in his Titles of Honour, fol. 121. sheweth the use of it in the Jewish Nation, and in France, Spain, Germany, and other Countries; and always is in Dignity of the Party to whom applied; and the Stile of the Chancery is so only to the Peers, the Judges, the King's Council, and to Serjeants. Therefore 29 Edw. IV. fol. 44. In a quare impedit, the Writ was Precipite, and excepted against as false Latin; but *Thorp* said, it was not false Latin, but the Plural Number only to express Reverence to the Person; the other answer'd, That no such Reverence is done to Sheriffs; and for this the Writ was abated.

THE next Words in your Writ are, *Ad statum*, &c. which sheweth Dignity and Honour given to him. The Author of the Manuscript formerly cited by me, allows the Serjeants but little State, where he saith, They kept their Pillars at Pauls, where

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where their Clients might find them ; as if they did a little better than *Emendicare panem*. This was somewhat far from *Westminster-Hall*, and as far from Truth ; being grounded upon a Mistake of one of their Ceremonies of State, where they went to *Pauls* to offer.

A Manuscript of the Call of *Fitz James*, and other Serjeants, 11 *Hen. VIII.* saith, That their Steward brought every one of them to a several Pillar in *Pauls*, and there left them a time for their private Devotions ; no convenient time for Clients. In the Register, a Writ of *ex gravi Querela* mentions a Device to a Priest, to say Mass at a Pillar in *Pauls* ; and I believe most of us, both in this and in other great Churches, have seen old People kneeling at the Pillars in their private Prayers.

OUR old English Poet *Chaucer*, (whom I think not improper to cite, being one of the greatest Clerks and Wits of his Time) had a better Opinion of the State of a Serjeant, as he expresseth in his Prologue of the Serjeant.

*A Serjeant at Law, wary and wise,
That oft had been at the Pervise :
There was also, full of rich Excellence,
Discreet he was, and of great Reverence.*

And in his Description of the Franklin, he saith of him,

*At Sessions there was he Lord, and Sire,
Full oft had he been Knight of the Shire :
A Sheriff had he been, and a * Countor,
Was no where such a worthy † Vavasor.*

* A Countor was a Serjeant.

† A Vavasor was next in Degree to a Baron.

WE find in many of our Year Books, 1648,
 especially in *Edward III.* his time, That
 they were joined with Knights in Affizes,
 Trials of Challenges, &c. and that Word
 was given to the Lords in those Days.
 By the Statute, 12 *Rich. II.* c. 10. the same
 Privilege which is given to the Judges
 for Absence from the Sessions, is given also
 to the Serjeants. 34 *Hen. V.* *Brook, Nosme* 5.
 saith, That *Serviens ad legem est nosme de*
Dignite, comme Chivalier; and it is character
indelibilis, no Accession of Honour, or Of-
 fice, or Remotion from them, takes away
 this Dignity, but he remains a Serjeant
 still.

THEIR Robes, and Officers, their
 Bounty in giving Rings, their Feasts, which
Fortescue saith, were *coronationis instar*, and
 continued anciently Seven Days; and *Hol-*
lingshead notes, Kings and Queens were of-
 ten present at them; and all Ceremonies
 and Solemnities in their Creation, do suffi-
 ciently express the State due unto them.

THE next Words in your Writ are, *Et*
gradum, &c. This is a Degree of much
 Eminency, that the Professors of Law in
 no Nation are honoured with the like, with
 such Solemnities and State, as I have before
 mentioned, and by Mandate under the
 the publick Seal of the Commonwealth.
 I find indeed, in the Preface to the Digest,
 several Appellations given to the Students
 of that Law, that they called them *Dupon-*
ditos, or *Iustinianeos*, and (when of further
 standing) *Papinianistas*. When they had
 proceeded further, they called them *ΑΥΤΙΣ*,
 and lastly *Περλυτας*, and the Title and De-
 gree of Doctor of the Laws, I acknowledge

1648. *W* to merit very much of Respect and Honour
 as to the Degree and Persons honoured with
 it. But such State and Degree as this
 of Serjeants at Law, is not among the Mu-
 nicipal Laws of any other Nation, tho'
 all Kingdoms have their Municipal Laws
 and Lawyers as well as we.
 DEGREES are Rewards of Study and
 Learning.

---Nec enim virtutem amplectimur ipsam
 Præmia si tollas---

They are τὸ βεβήκειν, a Spur to Virtue, and
 Witnesses of Learning. And since, Gen-
 tlemen, you have already obtained that
 Depth in your Profession as renders you
 capable of this Degree, that Resolution of
 all true Lovers of Learning is worthy of you.

I. TO say, *Senesco discens*; Proceed in your
 Studies still. Your Predecessors for their
 Learning have been often advised with by
 the Judges, as appears in our Books, and
 by the Parliament, as may be seen in the
 Rolls thereof.

II. BY this Degree you become Chief
 Advocates of the Common Law, an At-
 tribute given by *Fortescue*, who was a Ser-
 jeant, and Chief Justice, and Lord Chan-
 cellor. It imports no less than all Anti-
 quity hath appropriated to Serjeants at Law,
 the Practice of that Great and Universal
 Court, where all that concerns *Meum* and
Tuum, the Inheritances and Property of
 all the People of *England*, are heard and
 determined.

THIS

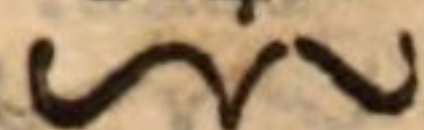
THIS Degree ordains you to be Chief Advocates, the Duty of whom pertains to you to be performed, and may not be declined by you. I hold it not impertinent to mention something to you of the Duties of an Advocate, which are some of them to the Courts, and some to Clients.

I. TO the Courts of Justice he owes Reverence, they being the high Tribunals of Law, of which *Doctor and Student*, and the Statute of *Marlebridge* saith, *Omnes tam Majores quam Minores Justiciam recipiant*; and there great Respect and Reverence is due to them from all Persons, and more from Advocates than from any others.

II. AN Advocate owes to the Court a just and true Information; the Zeal for his Client's Cause, as it must not transport him to Irreverence, so it must not mislead him to Untruths in his Information of the Court: The Statute of *Will. I. c. 29.* and the *Mirroure of Justices*, agree in an excellent Direction in this Point. When a good Cause is destroyed by Misinformations, or unlawful Subtilties or Deceits, let the Instruments thereof take heed of the Woe denounced by the Prophet against them, that *call good evil, and evil good; that put darkness for light, and light for darkness; their root shall be rottenness, and shall go up as dust.*

REMEMBER that in your Oath, for one Verb (you shall serve) you have two Adverbs (well and truly.) The Duty of Advocates to their Clients, are General and Particular. The General consists in Three Things, Secresie, Diligence, and Fidelity.

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‘ 1. FOR Secrecy, Advocates are a kind of
 ‘ Confessors, and ought to be such, to whom
 ‘ the Client may with Confidence lay open
 ‘ his Evidences, and the naked Truth of his
 ‘ Case, *sub Sigillo*, and he ought not to dis-
 ‘ cover them to his Client’s Prejudice, nor
 ‘ will the Law compel him to it.

‘ 2. FOR Diligence, much is required in an
 ‘ Advocate, in receiving Instructions, not
 ‘ only by Breviats, but by looking into the
 ‘ Books themselves, in perusing Deeds, in
 ‘ Drawing Conveyances and Pleas, in Study-
 ‘ ing the Points in Law, and in giving a
 ‘ constant and careful Attendance and En-
 ‘ deavour in his Clients Causes.

‘ 3. FOR Fidelity, it is accounted *vinculum*
 ‘ *Societatis*; the Name of Unfaithfulness is
 ‘ hateful in all, and more in Advocates than
 ‘ others, whom the Client trusts with his
 ‘ Livelihood, without which his life is Irk-
 ‘ some; and the Unfaithfulness or Fraud of
 ‘ the one, is the Ruin of the other.

‘ *Virgil*, in his Fiction of *Aeneas* going
 ‘ down to Hell, sets these in the Front of
 ‘ Crimes:

*Hic quibus invisi fratres dum vita manebat,
 Pulsatusve parens, aut fraus innexa clienti,
 Inclusi pœnam expectant.*

‘ For your Duty to particular Clients, you
 ‘ may consider that some are Rich; yet
 ‘ with such, there must be no Endeavour to
 ‘ lengthen Causes to continue Fees. Some
 ‘ are Poor; yet their Business must not be
 ‘ neglected, if their Cause be honest: They
 ‘ are not the worst Clients, tho’ they fill not
 ‘ your

' your Purfes, they will fill the Ears of God 1648.
 ' with Prayers for you; and he who is the
 ' Defender of the Poor, will repay your
 ' Charity. Some Clients are of mean Ca-
 ' pacity; you must take the more Pains
 ' to instruct your self to understand their
 ' Business. Some are of quick Capacity and
 ' Confidence; yet you must not trust to their
 ' Information. Some are Peaceable; detain
 ' them not, but send them home the sooner.
 ' Some are Contentious; advise them to Re-
 ' concilement with their Adversary. Amongst
 ' your Clients, and all others, endeavour
 ' to gain and preserve that Estimation and
 ' Respect which is just to your Degree, and
 ' to a just, honest and discreet Person. A-
 ' mong your Neighbours in the Country,
 ' never foment, but pacifie Contentions:
 ' The *French* Proverb is,

Bonne terre mauvais chemin,
Bon Advocate mauvais voicin.

' I hope this will never be turned by any
 ' here into *English*.

' THE next and last Words which I shall
 ' Note in your Writ, is *Servientis ad legem*.
 ' The Name Serjeant is Antient; some
 ' would fetch it from the *French* Word *Ser-*
 ' *geant*, as *Pasquier* in his *Recherches*; but that
 ' Word is also *Saxon*. You are indeed *Ser-*
 ' *vientes*, but it is *ad Legem*; your Fee is *Ho-*
 ' *norarium*, and you are or ought to be *Pa-*
 ' *troni Clientium, viduæ & Orphano Adjutores*.
 ' The Conservators of Peace (as in my Lord
 ' *Coke's* Preface to his Tenth Report) were
 ' anciently called *Servientes pacis*; and the
 ' Tenure by Grand Serjeantry is the most

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‘honourable. Serjeants were also in *Latin*
 ‘called *Narratores*, as my Lord Coke and
 ‘Sir Roger Owen observe. And in the Book
 ‘in the Tower, 14 *Edw. III. fol. 89.* one prays,
 ‘That he may have *Narratores in placitis ip-*
 ‘*sum tangentibus*, notwithstanding the Laws
 ‘of Wales.

‘IN the Records in the Treasury, 25 *Edw. I.*
 ‘one *Thomas Marshall* justified the Mainte-
 ‘nance of a Cause, for that he was *Communis*
 ‘*serviens Narrator coram Justiciariis, & alibi*
 ‘*ubi melius ad hoc conduci poterit*, and as a
 ‘Councillor he advised him.

‘THEY were anciently called likewise
 ‘Countors, as is noted by Sir Roger Owen and
 ‘my Lord Coke, because the Count compre-
 ‘hendeth the Substance of the Original
 ‘Writ, and the Foundation of the Suit, and
 ‘of that part, as the worthiest, they took
 ‘their Name, and lost it not in the Reign of
 ‘Edward I. and at this Day every Serjeant
 ‘at his Creation doth Count in some real
 ‘Action at the *Common-Pleas* Bar. In the
 ‘Statute of *Will. I. 3 Edw. I.* he is called
 ‘*Sergeant Countor*; and in the Statute, 28 *Edw. I.*
 ‘c. II. is this Clause, *Nest my a entender que*
 ‘*home ne poet aver Councils des Countors & des*
 ‘*Sages gents.* Chaucer calls them Countors; and
 ‘in the *Mirroure of Justices* there is a Chapter
 ‘of Countors, the like in the *Grand Coustumier*
 ‘of *Normandy*; and in the Text and Glos
 ‘of both, these Countors are agreed to be
 ‘Advocates, who plead and defend Men’s
 ‘Causes in Judicial Courts.

‘HE concluded with acquainting them,
 ‘that the rest of the Words of their Writs
 ‘prefix’d a Day, and commanded them to
 ‘prepare themselves to take that State and
 ‘Degree

' Degree upon them : That accordingly 1648.
 ' some of them had formerly appeared upon
 ' their Writs, which had been ordered to be
 ' filed, and their Appearances recorded :
 ' That the rest of them had now appeared
 ' upon their Writs, which had been read,
 ' and the like Order given as for the others,
 ' and they were ready to admit them to take
 ' their Oaths. And that what Honour and
 ' Advantage had been gained by any the
 ' most eminent of their Predecessors in that
 ' Degree, he heartily wish'd might be mul-
 ' tiplied unto them, Mr. Serjeant *St. John*,
 ' and to all the rest of those worthy Gentle-
 ' men his Brethren.

THE Army now assuming the Dictator-
 ship of all Things in a manner to themselves,
 and taking upon them to restrain the House
 of Commons, and to keep out of it by force
 of Arms what Members they pleased ; my
 Lord Commissioner *Whitlock*, and many others,
 were sadly concerned at it, not knowing
 which Way to turn themselves in a Time of
 so much Hazard and Confusion : However,
 being obliged on the 6th of *December*, which
 was the Second General Seal-Day, and the
 same on which the Restraint was put upon
 the House, to go to *Westminster* ; when they
 alighted at the House of Lords Door, there
 stood Two Troopers, who denied them En-
 trance till an Officer came ; who being told
 by them, that they were going about *Chan-
 cery* Business, he let them pass. They found
 the Court of *Requests*, and the Stairs of the
 House of Commons, towards the Hall, were
 full of Soldiers ; yet Mr. *Whitlock*, and the
 rest, went up into the *Queen's Court*, where
 while

1648. while they were advising what to do, and that they were all of Opinion to Sit in Court, the Lord Grey of Groby came to them, and perswaded them to Sit, which they did without the Seal, and heard Motions.

IN the mean time, Sir Thomas Widdrington being called away to go to the General, and Mr. Love, a Member of the House of Commons, coming into Court, and bringing the Commissioners Intimation from the House, That they should not Sit, because the Council and their Clients could not attend with Freedom: The Court thereupon rose, and the Lords desiring Mr. Whitlock to go into the House to know their Pleasure, he the more readily assented to it, that he might try what Countenance he should have from the Soldiers then at the Door: He passed by Colonel Pride without being question'd, tho' the Colonel had then seized upon many of the Members as they were going in, and had secured them in the Queen's Court.

Mr. Whitlock acquainted the Speaker, and several of the other Members, with the Intimation received from them, that they should not Sit in Court, which some apprehended might too much reflect upon the Army, as if they did interrupt the Course of Justice; and he desired their Direction what the Commissioners should do in that Affair.

THEY advised the Commissioners by all means to Sit, and proceed to Business; upon which Mr. Whitlock return'd, and going with the Two Lords into the Court of Wards, they stay'd there till Sir Thomas Widdrington came to them, whither the Seal was brought without any Trouble; and the Commissioners

ners fate till Six in the Evening, when the 1648.
Soldiers were all gone, after they had seized
Nine and thirty of the Members, and carried them to Places of Confinement.

WHEN the Court was up, Mr. *Whitlock* and Sir *Thomas Widdrington* went to the *Rolls*, by Appointment ; where they were met by *Cromwell* and *Dean*, and they there held a long Conference with the Speaker about the then Posture of Affairs, and the Settlement of the Kingdom : They also Meeting Two Days after by *Cromwell's* Appointment, after much Discourse, Mr. *Whitlock* and Sir *Thomas Widdrington* were desired to draw up some Heads next Day upon the Conference they had before, and likewise to frame somewhat in order to the Restitution of the seclused Members, by way of Answer for the Army to the Message of the House to them, touching their Members under Restraint ; and Heads for a Declaration, what the Parliament intended for the Settlement of the Kingdom, to be considered of, and offered to the Parliament and Council of the Army. This was a Work of no small Difficulty for Mr. *Whitlock* and his Companion, and yet not then to be declined by them, both the Members of the House, and Chief Officers of the Army, having engaged and trusted them only with it.

HOW honestly however some meant, this was but a meer Mock-shew, and a Copy only of the Countenance of *Cromwell* and his Adherents ; for now began in earnest the Grand Machination of taking the King off, and wholly over-turning the Frame of Regal Government: Accordingly, there being a Committee appointed to prepare a Charge

1648. Charge against his Majesty, they sent *Smyth* their Clerk with a Message to Mr. *Whitlock* and Sir *Thomas Widdrington*, requiring them to come to the Committee that Day, which was the 26th of *December*, they having some Matter of Importance before them, wherein they desired their Advice and Assistance, and that they must not fail.

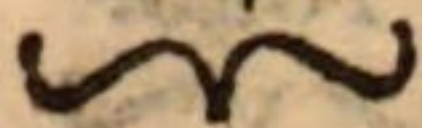
THEY knew well enough what the Business was ; and Mr. *Whitlock* told Sir *Thomas Widdrington* plainly, He was resolved not to meddle in the King's Tryal, it being quite contrary to his Judgment, as he had freely declared himself in the House : Sir *Thomas Widdrington*, having declared himself of the same Opinion, said, He knew not where to go to be out of the way, that the Committee might not know whither to send for him ; Mr. *Whitlock* reply'd, His Coach was ready, and that he was going that Morning out of Town on purpose to avoid that unhappy Business ; that he might, if he pleased, go along with him, he should be glad of his Company, and they might remain quiet at his Country House till it was over.

ACCORDINGLY they went, and did not return till the Committee had done their Work as they pleased for the King's Tryal, and till the Tryal was actually begun on the 9th of *January* in *Westminster-Hall* ; on which Day they went into the House of Commons, where some looked very shy upon them, but others bid them welcome, and seemed to be glad to see them there. The House of Commons having by this time in a manner assumed the whole Legislature to themselves, sent to Mr. *Whitlock*, and the rest of the Commissioners of the Great

Great Seal, an Act of their own framing, without the Concurrence of the Lords, to Adjourn the Term, requiring them to issue out Writs for that Purpose: But the Peers, the Earl of *Kent*, and the Lord *Grey of Werk*, having just Regard to that part of the Legislature vested in the House of Lords, refusing to concur in signing a Warrant for those Writs; Mr. *Whitlock* and the other thought it adviseable to acquaint the Commons with it, who insisting upon their own Act, Mr. *Whitlock* and Sir *Thomas Widdrington* went and consulted some of the Judges, whether the Term might not be Adjourned without any Writ; But the others being of Opinion it could not, the Two Commissioners modestly excused their Scruple in the House; and then attending the Speaker, acquainted him with all that had passed, and withall proposed, That an Act might be made by the Commons to command them, Sir *Thomas Widdrington* and Mr. *Whitlock*, to sign Warrants without the Two Lords for a Writ to Adjourn the Term. The Speaker approved of the Proposal, and an Order being made accordingly, Mr. *Whitlock* and Sir *Thomas Widdrington* signed a Warrant for the Writs without the Concurrence of the Two Lords, tho' they were both present when it was done.

Mr. *Whitlock* seemed now to have gone too far with the Times to look back; and the House, notwithstanding all the Excuses he could make, that he was not in the House when the Vote was made, and that he had given his Opinion against it, was (after the bloody Tragedy of the King's Execution) put upon drawing an Act to take away the House of Lords. Next Day an Act being ap-

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appointed to be brought in to make Mr. *Whitlock* and Sir *Thomas Widdrington*, Commissioners of the Great Seal, with a Blank to add others, they both, without the Two Lords in Commission with them, went with the old Great Seal into the House of Lords, and all the Members being silent, laid it on the Table: Upon which, a Workman with proper Tools being brought in, he brake it in Pieces on the Floor, pursuant to their Act, in the Presence of the House, who gave the Pieces and Purse of the Seal to the Two Commissioners. Then the House passed an Act to establish a new Great Seal; and reading the other, by which Sir *Thomas Widdrington* and Mr. *Whitlock* were constituted to be Commissioners of it, Sir *Thomas Widdrington* absolutely refused to accept of it; which at last was agreed to by the House. Mr. *Whitlock* was next to declare himself: He had considered the Matter as seriously, as the Importance of the Charge and the Circumstances of the Time required: He had also often consulted with his Friends about it, he being apprized before-hand, that he should be nominated for one of the Commissioners: The most material Arguments for his Compliance were, That he had been already very deeply engaged with the Ruling Party; That the Business to be undertaken by him, was to put Law and Justice in Execution, without which human Society could not long subsist.

HOWEVER, there were many Objections made against his accepting of this Great Office; which being upon the Matter all of them contained in his Speech, wherein he desired to be excused by the House, the same contained in Substance,

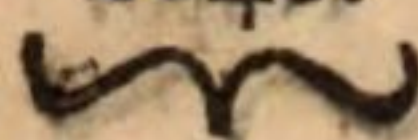
‘THAT

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‘ THAT he was then to declare himself,
‘ whether he would accept or refuse the
‘ highest Place of ordinary Judicature in the
‘ Kingdom, to which their Favour and good
‘ Opinion had been pleased to Name him :
‘ That he should plainly lay before them the
‘ Motives that occur’d to him, both for the
‘ Acceptance and Refusal of it, and his
‘ humble Suit upon them; and that he should
‘ submit all to their Pleasure and Judgment.
‘ The Motives he should confine himself un-
‘ to, were Four of either sort.

‘ I. F O R his Acceptance of it, might be
‘ the Honour of the Service, the Greatness
‘ of the Place, which might sway much
‘ with some others, but not with him, whose
‘ Ambition was of a lower Stature : That
‘ he never affected great Places, it was a suf-
‘ ficient Honour to him, to be a Member of
‘ that honourable House : That he desired
‘ no further Honour, and if Honour were
‘ *in honorante*, good Actions would render a
‘ Man more honourable than the Ceremo-
‘ nies and Pageantry of high Places, which
‘ might take with some of gayer Spirits, more
‘ than it did with him.

‘ II. THAT the Second Motive for his Ac-
‘ ceptance was the Profit of the Place, and
‘ that was a very considerable One with most
‘ Men ; but he bless’d God, he had given
‘ him Means convenient for him ; and he
‘ hoped he would bless that to him, and
‘ keep him from wasting that which must be
‘ a Provision for many Children. And to
‘ him, this was not so great a Motive as it
‘ might be to others, because those that
‘ knew his Course could testifie, that the
‘ Benefit of his Practice was more than the
‘ Sallary

1648.  Salary of that Office, tho' he acknow-
ledg'd their Bounty to their Servants.

' III. T H E Third Motive was, the Com-
' mand that that great Officer had over the
' Persons and Fortunes of Men, which was
' a pleasing Thing, and much fought after
' by Men in this World, the Spirit of Domi-
' nation being natural to us. But that, in
' this, he was of my Lord of St. Alban's
' Judgment, who held, That *Men in great*
' *Places were so far from having Command, that*
' *they were very Slaves themselves, Slaves to*
' *great Men, Slaves to Business, and could not*
' *command so much as their own Time.*

' IV. T H E Fourth Motive was, the End
' of the Service, which was to do Right
' and Justice to Men, to relieve the Op-
' pressed, to serve God and his Country;
' which would be done by a due Perfor-
' mance of the Duty of that Place. And
' this to him, especially at that Time, was
' the greatest and strongest Motive of all
' others. Yet he desired Leave, on the other
' side, to lay before them the Motives of his
' Refusal of that Employment, which in his
' humble Opinion did far over-ballance the
' other.

' T H A T the First of these Motives was,
' the Trouble of the Place, which had the
' greatest and most constant Labour in it of
' any other Place in *England*; that this Shop
' of Justice must be always open, *nullus rece-*
' *dat a Cancellaria sine remedio*; that the Busi-
' ness of the *Chancery* was certainly more
' than of any other Court, the Trouble
' must needs be the greater, and the Burthen
' the heavier, too heavy for him to bear;
' That it was Trouble enough, and no easie
' Duty

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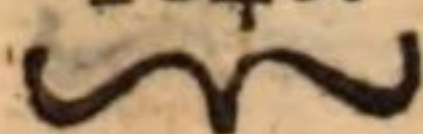
‘ Duty for one Man to attend the Service of that House, it was more than doubled by being a Commissioner of the Great Seal, whereof he had some Experience; and it had brought him to be of the Poet’s Opinion, *Beatus ille qui procul negotiis*, a Condition longed for by him.

‘ THAT the Second Motive for his Refusal was, the Danger of that Employment, through the Envy of Men, more in these Times than others, and through the Importance of the Business, in which, as in War, *non licet bis peccare*. There would be Watchmen enough for one failing, and one Party almost in every Cause determined by him, would be ready to accuse and condemn him; no Man could sit in that Place, but he must expose his Person and Fortune to no little Danger.

‘ THAT the Third Motive was, the Difficulty of that Employment; some would labour to conceal or obscure the Truth, as much as Eloquence, Learning and Subtilty could invent; and it was hard to discern the clear Truth through those Shadows. The Judges of the *Common-Pleas* had certain Rules to guide them; a Keeper of the Seal had nothing but his own Conscience to direct him, and that was oftentimes deceitful: That the Proceedings in *Chancery* were *Secundum Arbitrium boni viri*; and this *arbitrium* differ’d as much in several Men, as their Countenances differ’d: That which was right in one Man’s Eyes, was wrong in anothers; nothing was more difficult than to satisfy in Judgment; and this lead him to

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‘ THE last and strongest Motive for his
 ‘ Refusal of this Employment, which was,
 ‘ his Unfitness and want of Ability to un-
 ‘ dergo it : He did not mention his want of
 ‘ Ability of Body, tho’ this Place required
 ‘ much Pains, Labour, and continual At-
 ‘ tendance, and his Health was not a little
 ‘ impaired, and his bodily Infirmities in-
 ‘ creased by his late Services ; but he held
 ‘ himself oblig’d to lay down his Life to
 ‘ serve them : That he might more insist
 ‘ upon his want of Abilities of Mind to
 ‘ perform that great Charge ; and this was
 ‘ best known to himself, though he confess’d
 ‘ it had been too much likewise discovered
 ‘ to them, both upon former Occasions, and
 ‘ at that Time ; and it were not fit to Honour
 ‘ him by that Place, and to Dishonour them-
 ‘ selves by his weak Execution of it.

‘ P E R H A P S it might be objected,
 ‘ That these were but Pretences, whereof
 ‘ they were the most proper Judges ; he did
 ‘ acknowledge, that it would not become
 ‘ him to oppose his Judgment to theirs, but
 ‘ he was most conscious to himself of his
 ‘ own Disabilities, and begg’d their Consi-
 ‘ deration of them. A greater Objection
 ‘ was, That if he declined that Service at that
 ‘ time, it would be a kind of disowning their
 ‘ Authority, as unwarrantable and illegal,
 ‘ and a giving his Judgment against their
 ‘ Proceedings, upon the present Alterations
 ‘ made by them. This was far from them,
 ‘ and he supposed he had given his Testi-
 ‘ mony otherwise, in the Particulars men-
 ‘ tioned by his worthy Colleague that spake
 ‘ last, in which he had owned their Autho-
 ‘ rity. And for a strict formal Pursuance
 H of

of the ordinary Rules of Law, it had been 1648.
 hardly to be discerned in any of the late
 Proceedings on either Side, in all their
 great and weighty Transactions. Un-
 avoidable Necessity had put them upon those
 Courses, which otherwise perhaps they
 should not have taken. He was sure his
 Acting and Sitting there was according to
 the known Laws of *England*, and that his
 Protection at that time was only from them;
 therefore his Obedience was only due to
 them, and there was no other visible Au-
 thority in Being but themselves: That
 there were sufficient Reasons to justify an
 Obedience to their Authority, which truly
 he did own, and not scruple at all, as
 Things now were, to act by that Autho-
 rity. He only scrupled his undertaking
 that great Charge, knowing his own Want
 to perform it as he ought to do, that Place
 requiring quick Apprehension, general
 Learning, and deep Judgment; all which
 were wanting in him: But that he saw ma-
 ny worthy Gentlemen within those Walls
 of much greater Abilities, and more com-
 pletly furnished for the Execution of that
 Charge than he was; his humble Motion
 therefore to them was, That they would
 be pleased to think of some Persons more
 fit and worthy of that great Trust than he
 was, and to Excuse him from being one of
 their Commissioners for the Great Seal of
England, which was a Place too great for
 him.

Mr. *John Lisle* and Mr. Serjeant *Keeble* be-
 ing nominated for the other Two Commis-
 sioners, and the House having agreed to
 H give

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~

give them the Title of Lords Commissioners, and made an Act for the same, they all Three were commanded by the House to come up to the Table: My Lord Commissioner *Whitlock* went in the middle, Mr. Serjeant *Keeble* being on his Right, and Mr. *John Lisle* on his Left; and there the Speaker administered to them their Oath, well and truly to Execute the Place of Commissioner of the Great Seal, which was then delivered to them: This was on the 8th of *February*. On the 14th, my Lord Commissioner *Whitlock* was chosen to be one of the Eight and thirty of the Council of State: And on the 23d, *Cromwell*, and his Son *Ireton*, went home with him to Supper, where they were very cheerful, and talked of strange Deliverances in the Field. Not long after this, my Lord Commissioner *Whitlock* was enjoined to bring in a Declaration, to satisfy the People concerning the Proceedings of the Parliament, at which Multitudes were uneasy.

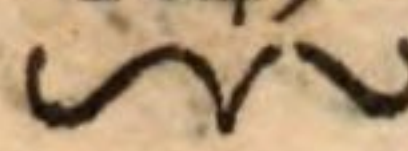
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On the 5th of *April*, the House of Commons commanded Mr. *Whitlock*, and his Brother Commissioner *Lisle*, to bring the Great Seal into the House, to lie upon the Table for the greater Solemnity, because the Lord Mayor Elect was to be presented that Day to them for their Approbation: They brought the Seal accordingly; and Mr. *Whitlock*, at the Door of the House, took the Purse by one Corner, and Mr. *Lisle* by the other, carried it up with the usual Reverences, and laid it on the Table; both of them being in their black Velvet Gowns, and the first time of their wearing them.

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THE Parliament being invited to dine with the Lord Mayor on the 7th of *June*, the Speaker sate first next to his Lordship, then the Lord General; but the Earl of *Pembroke* called to the Lord Commissioner *Whitlock* to sit down, he being the first and oldest Commissioner of the Great Seal; He desired the Earl would be pleased to sit down, and then he would sit by him; upon which, the Earl spake aloud, as his Custom was, that all near him might hear: 'What! do you think that I will sit down before you? I have given Place heretofore to Bishop *Williams*, to my Lord *Coventry*, and my Lord *Littleton*: You have the same Place as they had, and as much Honour belongs to the Place in a Commonwealth as under a King; and you are a Gentleman as well born and bred as any of them, therefore I will not sit down before you.

Mr. *Whitlock*, moved with his Earnestness, sate down before the Earl, who sate next him; after that, the President of the Council, and the other Commissioners of the Great Seal, the Earl of *Salisbury*, and the Lord *Howard*: But to say no more of the great Honour and Esteem the Lord Commissioner *Whitlock* was had in now, nor of the rest of the Company, and the sumptuous Entertainment they had; a few Days after, the Mayor, and divers other Citizens of *Oxford*, presented my Lord Commissioner with a Patent to be High Steward of that City; to which he was unanimously chosen by them, in the Room of the Earl of *Berkshire*; and about the same time they made him also their Recorder: On the other hand, he made a voluntary Surrender of the Place of At-

1649.  torney of the Dutchy of *Lancaster*, which the House had formerly conferred upon him, and now approved of it.

NOW the Lords Commissioners of the Great Seal being much incommoded for want of a convenient Dwelling, the Attorney General *Prideaux* moved the House, in behalf of Mr. *Whitlock* and Mr. *Lisle*, that they might have the Duke of *Buckingham's*, and a Lease of One and Twenty Years upon it: This was freely ordered them by the Parliament; and it was referred to the Committee of *Haberdasher's* Hall to set the Rent, which they did the same Day at 40 *l.* a Year, and no more, by reason of the great Charge the Commissioners should be put to in the repairing of it.

ON the 12th of *June*, the new Judges being to be Sworn in the several Courts, and it coming to the Lord Commissioner *Whitlock's* Turn to make a Speech to those who were Sworn of the *Common-Pleas*, he told them, among others Things, of their being the first Judges publicly Sworn in that Commonwealth; and spoke to them concerning Judges in general, Judges of that Commonwealth, and of that Court in particular: He told them on the Second Head, That the Judges in that Commonwealth were of as great Antiquity as the Law it self; That the *Druids* were Judges or Interpreters of the Law among the *Britains*; and that as they studied the Law for Twenty Years, yet committed nothing to Writing; so our Judges spent much longer Time in the same Study, and our Common Law was *Lex non scripta* to that Day.

THEN

THEN he intimated to them, what he found in *Ingulphus*, and in *Selden's Fanus Anglorum*, of the Division made by King *Alfred* or *Alured*, in *Judices quod nunc Justiciarios vocamus & Vicecomites*; and in the same Author, That when *William I.* upon the Petition of the Abbot of *Crowland*, confirmed the Laws of *St. Edward*, he proclaim'd they should be kept, & *Justiciariis suis Commendabat*; and then he proceeded to this Effect:

‘ THAT all these were Testimonies of the Authority of our Judges, but that he did not think it necessary that this should be discuss'd at large, neither should he waste their Time by an elaborate Discourse of the Honour and Respect due to their Places, only they would give him leave to make a few Observations thereon; and the rather, by reason of the particular Relation he had to that Calling.

‘ WHAT Respect the *Germans* had to their Judges, appear'd in the Etymology of their Word *Grave*, which signified a Judge, and an Earl; as in the Old Law of the *Ripuarrians*, c. 55. *Act. 1. Siquis Grassionem interfecerit*: The Text is, *Siquis Judicem fiscalem, quem Comitum vocant, interfecerit*, according to *Selden's Titles of Honour*, and *Haillan*.

‘ BUT that to come nearer home, they found in the Law of *Henry I.* this Description of a Judge, *Regis Judices sunt Barones Comitatus, qui liberas in eis terras habent, villani vero, Corsetti vel ferdingi, vel qui sunt viles, aut inopes personæ, non sunt inter Judices numerandi*; whence appear'd the Reason of the Judges of the *Exchequer's* being called Barons: That the Testimony of

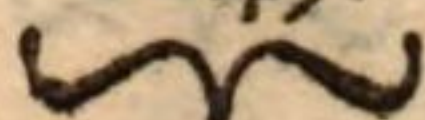
1649. *Bracton* concurred herewith, who said thus,
Comites vero, vel Barones non sunt amerciandi,
nisi per pares suos, & hoc per Barones Scal-
larii, vel eorum rege ipso. Upon which,
 and the Case of the Earl of Northumberland,
 in the Reign of *Henry VI.* *Selden* observed,
 That all Judges were held anciently as
 Barons; and the Writ by which they were
 summoned to Parliament was in the same
 Style, and contained the same Words with
 the Writs of Summons, *Consilium vestrum*
impensuri; Those of the Commons being
ad faciendum & consentiendum eis, quæ de
Communi Consilio ordinari contigerint.
 THAT in some Entries, upon Writs of
 Error in Parliament, the Words were, *Ex*
assensu Justitiariorum; and the Title of
 Lord was given anciently to all the Judges,
 as appear'd by several of their Books and
 Records, and was still given to the Judges
 of Assize: That they had their Officers
 and their Purveyance as the Barons had,
 till taken away by the Statute from both.
Rot. Parl. 10 Edw. II. Pt. 2. M. 2. and
2 Edw. II. Pt. 1. M. 33. and Rot. Claus.
11 Edw. I. and this was taken away by the
Statute of 4 Edw. III. c. 3.
 THAT there were divers Cases and
 Records of Punishments inflicted upon
 those who gave any Affronts to the Judges,
 and especially that noted Case of *Roger*
Hengham, M. 33. and 34. Edw. I. Rot. 71.
 in the Receipt of the *Exchequer*: So tender
 had the State always been of the Honour
 of their great publick Officers; and that
 as the Government was, so the Judges
 themselves ought to be, very tender of
 that Honour with which they were in-
 trusted,

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trusted, which was not so much theirs as
their Nations Honour, and the Honour of
the Law it self: That they neither were
to lessen their Honour by too lofty a Car-
riage, for most Honour was gained by
Courtesie and Humility; nor to lessen it
by too low a Part, and such as became
not their Quality; but that this Point
needed no Consideration in this Place.

‘ THEN he proceeding to his last Par-
ticular, concerning the Judges of that
Court, which was an high and ancient
Court; high, in respect to the Univer-
sality and Business of it, the Liberties, Fran-
chises, and Property of all the People of
this great Nation, being determinable
in it.

‘ THAT as for the Antiquity of the
Court, he took the Freedom, for the Justice
and Honour of it, a little to inspect the
Opinions of great and learned Men upon
that Head: That *Lambert, Cowel, Ser-
jeant Fleetwood, Sir Thomas Smyth*, and a
Manuscript concerning Masters in *Chan-
cery*, all of them affirmed, That the Court
of *Common-Pleas* was erected by the Statute
of *Magna Charta*, c. 11. that the Words are,
*Communia placita, non sequantur Curiam no-
stram, sed fuerit in certo loco*; from whence
it might be gathered, That *Common-Pleas*,
which before were held in other Courts,
and followed the King’s Household, were
not settled in a certain Place, nor the Court
of *Common-Pleas* erected till that time: That
of these Authors, *Sir Roger Owen* in his
Manuscript says, That they were like unto
Ostriches, Birds of great Feathers, yet lit-
tle Flight.

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‘ BUT the Lord Commissioner *Whitlock* could not subscribe to their Opinions, upon many Accounts ; for *Bede*, fol. 10. related, That the Prime Monarch, with the Consent of the States of Parliament, allotted Pleas of the Crown to one Court, Common Suit of Subjects to another, and Matters of Revenue to a third, and that this was long before *Magna Charta* : That they mistook the Words *Curiam nostram*, in that Place of *Magna Charta*, to signifie the King’s House, which had not then that Appellation ; but that the Word *Curia* had another Signification : That among the Romans, *Curia* was sometimes taken for the Thirtieth Part of the People, into which they were divided by *Romulus* : But if it more frequently signified with them an Assembly of Clergymen and Lawyers, as *Curia Hostilia*, *Pompeia*, *Julia*, &c. That *St. Augustine* in his Comment upon the 121st Psalm saith, That *Curia* improperly was taken for a Tribe, but that it signified properly the Courts of Justice in Cities and Countries : That the Word was taken in the same Sense with us, and was so before ever applied to the King’s House, as appear’d plainly by the *Mirroure of Justice*, *Glanvil*, and many others ; to say nothing of *Walsingham*, *Ingulphus*, *Hoveden*, *Paris*, and all our best Historians.

‘ THAT in *Henry VIII.*’s Time, and after, *Hospitium Regis* was generally the King’s House, as *Mareschallus Hospitii*, *Seneschallus Hospitii*, in their Letters Patents ; and *Britton* called it *Hostel du Roy* : That that Foundation then must fail them, that by the Word *Curiam* in *Magna Charta* was meant

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‘ meant the King’s House ; but that accord-
 ‘ ing to the Conjecture of Sir Roger Owen,
 ‘ and others, The Courts of Chancery, King’s
 ‘ Bench, and Exchequer, were intended by it :
 ‘ That the Case, 21 Edw. III. Fitz. Bre. came
 ‘ up to this, where a Writ *de Rationabili parte*
 ‘ *bonorum* was brought in the King’s Bench,
 ‘ and the Defendant pleaded this Part of
 ‘ *Magna Charta, Communia placita non sequan-*
 ‘ *tur Curiam nostram* ; and that tho’ he had
 ‘ been at issue, yet the Plaintiff would not
 ‘ proceed.

‘ T H A T in 26 Edw. I. one Nicholas de
 ‘ Scotland brought an Affize for Land in the
 ‘ Treasury, which was Reversed for Error in
 ‘ the King’s Bench ; where the Judges re-
 ‘ quir’d Nicholas to arraign a new Affize in
 ‘ the Common Pleas, because that by the Words
 ‘ of *Magna Charta, Common Pleas* ought not
 ‘ to follow *Bancum Regis* ; and there were no
 ‘ other *Curiam nostram* in *Magna Charta* but
 ‘ these.

‘ T H A T in the Statute of *Articuli super*
 ‘ *Chartas*, it was said, No *Common Pleas* should
 ‘ hereafter be held in the Exchequer against
 ‘ the Tenour of the Great Charter ; and that
 ‘ there were no Words restraining Suits of
 ‘ *Common Pleas*, but these, by the Great Charter :
 ‘ That to make it the more plain, it was
 ‘ agreed by Hoveden, Paris, and others, and
 ‘ he thought not to be denied, That *Magna*
 ‘ *Charta* were the Laws of Edward the Con-
 ‘ fessor : And that in that Case, 21 Edw. III.
 ‘ the Defendant pleaded this Part of it, not
 ‘ as an Act of Parliament, but as Common
 ‘ Consent and Custom : That that was per-
 ‘ tinent to this purpose in 26 Affis. p. 24.
 ‘ where the Abbot of B. prescribed to have
 ‘ Cog-

1649. *Cognizance of Pleas, and to have an Original out of Court, according to Usage in the Time of St. Edmund and St. Edward, Kings: And that Henry I. by his Charter, confirmed all the Usages; and that they should have Cognizance of all manner of Pleas; so that the Justices of the one Bench and the other should not intermeddle; upon which, my Lord Coke, Lit. 71. B. inferred, That there was then this Court and these Judges in being.*

T H A T in the Treasury of the Exchequer, there were many Records of Pleas, of King Henry II. Richard I. and King John, dated in the Court of Common Pleas: That in an ancient Roll, there was contained the Suit, between the Abbot of Anjou and the Abbot of Crowland, about the Meers of a Marsh, in the Court of Common Pleas, in Richard I. and King John's Time; and the Names of the Justices set down in the Roll thus, Justiciarii in Banco residentes; and the Chancellor wrote to them by that Name.

T H A T Glanvil, in his Second Book, wrote of them who would not wage Battle, but have their Causes tried by a Jury, f. 14. That they were to be tried Coram Justitiariis in Banco residentibus: That in Glanvil's Fourth Book, it was said, That Quare impeditis were returnable Coram Justitiariis apud Westmonasterium, which they are to this Day: That he gives us an Account in his Eighth Book, That tho' Fines were levied in many other Courts, yet still they were ingrossed Coram Justitiariis in Banco residentibus, and the same was still practised there.

IT'S to be observed, That whatever Vicissitudes happen'd in the State, my Lord Commissioner *Whitlock* was ever sedulous in contributing, as much as in him lay, to the Preservation of all Monuments of Learning: And it being now referred by the Parliament to the Council of State, to preserve the Books and Medals at St. *James's* from being imbezelled; the Council propos'd to the Lord Commissioner *Whitlock*, whether he would take upon himself the Care and Charge of those most valuable Treasures, and the Library, or appoint another, whom he thought to be fitly qualified for that Trust, under him.

HE was not unsensible of the Greatness of the Charge, and could not but consider the vast Inconveniencies which might happen, in being Responsible for those rich Jewels, the Imbezelling whereof would be endeavour'd by many; and his other Avocations would not allow him to give much Personal Attendance upon that Business, nor to enjoy much of the Pleasure of perusing them.

BUT on the other hand being informed, That some had form'd a Design to have them sold and carried beyond Sea, which he thought would much redound to the Dishonour, as well as Detriment, of the Kingdom, and to all Scholars therein, and likewise afraid, they might be more subject to be imbezelled in other Hands than his own, he accepted of the Trouble of being Library-Keeper at St. *James's*; wherein he was much encouraged and forwarded by the famous Mr. *Selden*, saying, That if he did not undertake the Charge, they would be all lost, and that there were no such, save only in
the

1649. the *Vatican*, in any other Library of *Christendom*.

Having accepted of the Charge, there was an Order of the Council of State, That he should not only be Library-Keeper, and have Lodgings in the House belonging to the Place, but they recommended to him one Mr. *Duery*, a *German* by Birth, a good Scholar, a great Traveller, and Friend to the Parliament, to be his Deputy, tho' at his own Choice : My Lord Commissioner *Whitlock*, who was willing to have one of their Recommendation, that so he might be the less answerable himself, appointed Mr. *Duery* to have the Keys, and to go to Mr. *Patrick Yong*, the former Library-Keeper to the late King, to enquire for a Catalogue of the Books and Medals, and to see that an exact one should be made of them all without delay.

MY Lord Commissioner *Whitlock* was at the same time no ways unmindful of faithfully discharging his Trust in the Court of *Chancery*, and to get Things regulated by degrees therein ; and the House being Adjourned about the middle of *August*, he, with the Speaker, Commissioner *Keeble*, Mr. *Chute*, Mr. *Adams*, and Mr. *Steel*, by Appointment met at the Attorney-General's, where they had a long Conference about making some new Rules for reforming the Proceedings of that Court ; and agreed upon some general Heads, which they referred to some of the Company to draw up into Form.

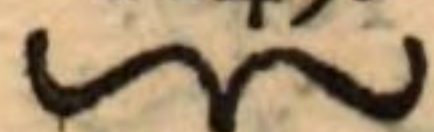
I shall but just take notice, that the Lord Commissioner *Whitlock*, in the Month of *September* this Year, was nominated, among divers others, to be one of the Governors of the

the School and Alms-House of *Westminster*; 1649.
but come to observe, That there being many
Debates in the Parliament about the Reformation of Things, according to some late Petitions put up unto them; among other Things, many began to entertain great Peaks against the Professors of the Law, which perhaps indeed had its first Beginning in these turbulent disorderly Republican Times, but has not got out of many People's Mouths and Hearts too, I believe, to this Day: The chief Cry was, That it was not fit for Lawyers, who were Members of Parliament, (if any Lawyers ought to be of the Parliament) to plead or practise as Lawyers, during the the time they sate as Members of Parliament: This gave Occasion to one of the Members of that Profession, and that Member, I have all the Reason in the World to believe, was the Lord Commiffioner *Whitlock*, to make a most learned Speech in Vindication of them. He began with telling them,

THAT he was unwilling to have troubled them upon that Argument, had it not been called up again, through the Mistakes of the worthy Gentleman that had spoke last, to give them a true Account of those Matters, and to vindicate the Honour of that Profession, of which he was an unworthy Member. The Gentleman that was pleased to intimate, That the Lawyers were heretofore excluded from being Members of Parliament, he supposed had not much studied the Records relating to that Matter, and therefore related the Discourse of others by Hear-say only.

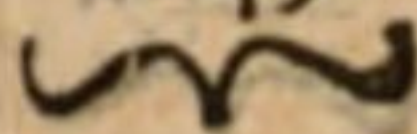
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BUT for his Conviction, and the Satisfaction of others, he was willing to acquaint them with the clear Passages of what he aimed at, which he supposed, as finding them upon Record, were much more Authentick than some Table-talk or Random-discourse: That the Statute of 23 *Edw. III.* called the Members of Parliament, *The Learned Men*, many of whom were learned in the Laws, and therefore supposed to have had that Title; but soon after, the Great Men degenerating in the advanced Age of the same King into divers Factions, and being much offended with those who were learned in the Laws, because they obstructed their Oppressions, by pleading the Right of Law in behalf of their Clients, 46 *Edw. III.* petition'd, That no Lawyer, following Business in any of the King's Courts, nor Sheriff, should be returned or received as Knight of the Shire: To which, the King answered, That his Pleasure was to have Knights and Serjeants, that is, Esquires of the best Rank in the County, from thence-forward to be return'd Knights of the Shire.

THAT after, and in pursuance to this Ordinance, a Clause was inserted into the Writ for choosing Members of the House of Commons in the Fifth of *Henry IV.* to this Effect: *We will not that you, or any other Sheriff of our Kingdom, or any other Man of Law, by any means be chosen.* That according to this Ordinance and Clause of *Nolumus*, Sheriffs had been ever since excluded from sitting in Parliament, as Members, during the time of their Shrievalry; the which Point had been debated, and very learnedly, in a former Parliament, in the Case of a very learned
and



and worthy Person, Sir *Edward Coke*, whom most of them knew ; for he being made Sheriff of *Buckinghamshire*, upon some Displeasure of the Court, was chosen Knight of the Shire for *Bucks*, and sat in Parliament, when he himself had the Honour then to be a young Parliament Man, in the Second Year of the late King.

THAT the Objections then made against him, were the constant Custom, in not permitting Sheriffs to sit as Members of Parliament ; their Oath to reside in their Counties, the Custody whereof was committed to them, and that their Office was but Annual, and so the Disability was but for that Time only.

BUT that a Man should be disabled to be a Parliament Man, because of his being a Lawyer, was to disable him during Life, or his Continuance in his Profession by which he got his Livelihood ; and they were not publick Offices, tied to another Attendance on the Affairs of the Publick, as the Sheriffs were.

IT'S true, That in that Parliament, which was held in the Sixth of *Henry IV.* all Lawyers were excluded, and none of them returned to serve therein ; and perhaps, from some general Discourse about this Matter by others, the worthy Gentleman was pleased with Confidence enough to vent his Doctrine and Motion : But that in case he had read and understood the Records of that Ordinance, and of the Clause of *Nolumus* ; yet he supposed he never looked into the Ground of that Business, nor into that which ensued thereupon, wherein he hoped to satisfie

1649. tisfie him so far, as to alter his Opinion of the Matter.

THEN proceeding, he said, That *Henry IV.* being in great want of Money, summoned that Parliament, and caused the Clause of *Nolumus* to be inserted in the Writ, in order to exclude the Lawyers, because he doubted they would oppose the excessive Demands which he was to make to the Parliament: That *Walsingham* witnessed, That all the Lawyers being excluded, the King's Demands were by that Means obtain'd; and by that Parliament was granted an unusual Tax, and to the People *tracabilis & valde gravis*, i.e. A Tax full of Trouble, and very grievous; of which, according to the same Historian, he would have set the Manner down, had not the Grantors and Authors of it desired to be concealed for ever from Posterity, by causing the Papers and Records thereof to be burnt.

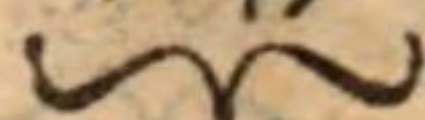
THAT this was the Precedent intimated by that worthy Gentleman, and this the Occasion and Issue of that Precedent; the like whereof, he presumed, could not be desired by him. That *Walsingham*, in his Margin, stiled that Parliament, *Parliamentum Indoctorum*, a Parliament of unlearned Men; and *Speed* informed us in his History, that it was called, *The Lack-Learning Parliament*; either for the Unlearnedness of the Members, or their Malice unto Learning: But that God had blessed this Nation with such an Age of learned Men at that time, as none of the former knew; and that he must acknowledge, that tho' the House were deprived of all their Members that were Lawyers, yet that

that the other had such great Abilities, that there would be no want of Learning, tho' at the same time he was sure, that an Addition of those many learned Gentlemen of their Profession had been, and would be, some help to their Affairs, and would not be despised by any prudent Men.

THAT the worthy Gentleman was pleased slightly to call them Gown-Men, who had not undergone the Dangers and Hardships that Military-Men had done; but that truly it might less become the Gentleman that said it, than that others should have made that Observation, if it had been so. That the ancient *Romans* were Soldiers, tho' Gown-Men; neither did that Gown either abate a Man's Courage, or his Wisdom, or render him less capable of using a Sword, when the Laws were silent, or that that House commanded it. That they all knew this to be true, by the great Services performed by Lieutenant-General *Jones* and Commissary *Iretton*, and many of the Members, and other Lawyers, who putting off their Gowns, when the Parliament required it, had served them stoutly and successfully as Soldiers; and undergone almost as many and as great Hardships as the Gentleman, who so much undervalued all of them.

BUT they were not now speaking of the Right Lawyers had to be chosen, and to sit as Members of Parliament, which undoubtedly was as much, and the same, as all other Commoners of *England*: The Historian last cited, said, That the Commons of *England*, who had Liberty in the Choice of their Knights and Burgeses, would not be debarr'd of it by the Ordinance of *Edward III.*

1649.



nor by the Clause of *Nolumus* inserted in the Writ of *Henry IV.* but that they had made constant Choice of some of them, to represent them in all Parliaments; and that the Lord *Coke*, in his Fourth *Institute*, held, That the Ordinance of the Twenty sixth of *Edward III.* by the several Words of the Fifth of *Richard II.* Stat. 2. c. 4. and by the Seventh of *Henry IV.* c. 15. was Repealed.

HAVING proceeded thus far with Authorities, he told them, That we did not read of any Parliament, except that unhappy One of the Sixth of *Henry IV.* wherein the Lawyers were excluded; and that it would now look like an ungrateful Motion, to have several Gentlemen excluded, after the many considerable Services both Civil and Military, performed by some of them for the Parliament's Service: It would not be improper to lay the Clause of *Nolumus* aside, lest other Clauses of *Nolumus*, which were found in Writs of Summons, should come as near home to others: That sometimes Clauses were inserted in the Writs for the Election of Commoners, to this purpose: *Nolumus, &c. We will not have any of the Retinue of our Lord the King any ways to be Chosen.*

A N D tho' he sweetned this Home-thrust a little, in acknowledging that that worthy Gentleman, and several others, who had been the King's Servants and Courtiers, had been very faithful to the Parliament, and done them acceptable Services, and that so some of them had done in former Parliaments, and he hoped they all thought so: He comes over them again with a Back-stroke, saying, That yet the undervaluing of their Profession to be Members of Parliament,

ment, had less Strength and Weight in it, as it came from such Gentlemen, than from others; because some from abroad would be apt to say of them, tho' never so Scandalously, That Courtiers and King's Servants used to Sit in Parliament, rather to promote their Master's Ends, than their Countries Good: However, such Objections were at that time out of Doors.

THAT they had the like Passage with that in Debate in the *Roman* History, when the *Cyncian* Law was made, whereby it was provided, That no Man should take either Money or Gifts for pleading of Causes, and that this Law was endeavoured to be set on Foot upon the like Ground presently after *Tiberius Cæsar's* Death: But that when some alledged, That this would cause the want of Counsellors and Advocates, by which means the Poor would be oppress'd by the Rich and Potent; that Eloquence came not by Chance, or *Gratis*, without Study and Labour; that the Care of a Man's own Family was neglected, whilst he attended other Men's Affairs; that some got their Maintenance by War, and others by Agriculture; but that no Body spent his Time in these Vocations, or to attain Knowledge, but for the Profit arising therefrom; that the meanest of the People used their utmost Endeavours to better their Fortunes; and that if the Reward of Studies should be superceded, Studies would also Decay, as having neither Glory nor Honour in them.

THAT the Senate, upon these Considerations, thought it unjust; and he hoped, that Senate would be of the same Opinion, not to take away the *Honorarium* of Advocates;

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but limited the same to a Thousand *Sesterces*, amounting to about 78 l. *English Money*; tho' after all, according to *Tacitus*, that Law did not continue, nor was comply'd with; neither did he think, if such a Law were Enacted amongst us, it would be of any Effect, but certainly be eluded: Wherefore he hoped, That honourable *English Senate*, and that worthy Gentleman, a Member of it, would rest satisfied with the Reasons given in the *Roman Senate*, (who were very wise Men) and not trouble themselves about such new Laws, which would prove ineffectual, prejudicial to many, and good for no Body.

BUT that since the Gentleman had objected, and that it had been much urged in these Times, against the Profession and Professors of the Law, That the latter occasioned multiplicity of Suits and Delays in Judicial Proceedings; and therefore, in pursuance to the Example of some Foreign Countries, were not to be allowed; he had observed to them before, That those in Power had most reason to be dissatisfied with that Profession, as being a Bridle to their Power; but that the Profession should Occasion multiplicity of Suits, was as improbable as any other of his Reasons or Arguments."

NOW the very same Argument against the Number of Lawyers in *England*, being met with very frequently coming from the Mouths of otherwise learned, and very intelligent Persons, there is the more heed to be given to what my Lord Commissioner *Whitlock* says as to this Particular; and as he
has

has truly shew'd himself a great Man al- 1649.
most in every Thing he undertook, he has in
my mind, no less learnedly and honourably
come off in this Particular.

Says he, ' The Reason of the multiplicity
' of Causes and Law Suits amongst us, is
' the greatness of our Trade, which causes a
' multitude of Contracts, and those Occasion
' a multitude of Law Suits: As for those
' Countries mentioned by that worthy Gen-
' tleman, there is not One of his Profession,
' One Merchant, nor One Contractor, for an
' Hundred in *England*; and that is the Cause
' why they have so few Law Suits, and we so
' many: Give me leave to tell you, That in
' the *Netherlands*, and those Countries where
' there is a great Trade, there are proportion-
' able as many Law Suits as in *England*.

' ANOTHER Ground of what he affir-
' med (and indeed a very substantial One too)
' was, That in Foreign Countries, every Man's
' Estate was disposed of by their Law after
' a certain Rule and Proportion, which the
' Possessor could not by Conveyance, and af-
' terwards by Will, alter. For Example:
' When a Man died, his Estate was thus di-
' vided by Law; his Wife had a part set out
' for her; his Eldest Son had a double Por-
' tion; and all the other Sons equal Portions;
' and every Two Daughters as much as One
' Son, of the whole Estate of their Father
' thus divided by the Law.

' WHEREAS in *England*, every Possessor
' of an Estate had Power to dispose of it, by
' his Deed or Will, as he pleased, which must
' necessarily occasion the more Differences
' and Law Suits, upon Construction of those

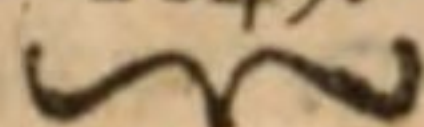
1649. *Deeds and Wills, and Conteſts of Parties claiming, than where the known Laws preſcribed a certain Rule and Diſtribution of Eſtates which none could alter.*

THE Third Ground that he went upon, was, 'The Freedom of our Nation, where every one had an equal Right and Title to his Eſtate, and the meanest having as full a Propriety as the greatest: This made our Countrymen insist upon their Rights and Privileges, and to contest for them with the greatest Men, or with the Prince himself, if the Right of Law was on their Side: And this occasioned many more Law Suits than did arise in those Countries, where the Boors and Peasants wholly depended upon the Will of their Lords, to whom they were Slaves, and durst not Dispute any Matter of Right with them, but tamely submit unto their good or ill Pleasure.

'AND that tho' in some of those *Northern* Countries they had no Counsellors at Law, as a publick Profession, because the smallness of their Law Business would not maintain them; and that the great Lords were there many times Parties and Judges themselves: That yet in *Germany, France, Spain,* and other Countries, there were Doctors and Professors of Law in great Numbers and Esteem, and gained vast Eſtates, tho' by small Fees; yet often taken, and of long continuance, of which there were in *France* more particularly many Precedents: And if we looked so far back as the Time of the *Ancient Romans and Grecians*, their Lawyers would be found Numerous, and in Esteem among them; and that when their Commonwealth enjoy'd the greatest Freedom,

dom, that Profession was in the highest Reputation.

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M Y Lord Commissioner *Whitlock* being willing to deal candidly with his Opponent, says, and very truly too, tho' perhaps not to the same End as the other meant it, That he had mentioned one Thing with some Weight, That Lawyers were permitted to give Council, and to plead for Men, in Things relating to their Estates and Liberties; but were not in the most momentous Concerns of all, where Life and Posterity lay at Stake, allow'd to plead for their Clients: He ingenuously confessed he could not Answer that Objection: *That a Man for a Trespass, to the Value of Six-Pence, may have a Councillor at Law to plead for him; but that where Life and Posterity were concerned, he was not allowed that Privilege, and the Assistance of Lawyers: He was of Opinion, That a Law to reform that Defect would be just, and that what was said in Vindication or Excuse of that Custom, That the Judges were Council for the Prisoners, and were to see they should have no Wrong done them, had but little Weight in it: And were they not to take the same Care of all the Causes that should be tried before them?*

I S it not strange, that a Matter of the highest Importance and Consequence for the Security of the Subject should lie Dormant, and not be thought of for so many Hundred Years till now, that it was occasionally touch'd, and propos'd to be remedied? Is it not more strange that this Parliament, than whom surely never any pretended to have more Regard to the Welfare of the People, should silently pass by the excellent Hint,

1649. and take no farther Notice of it? And yet 'tis stranger still, that after the late happy Revolution, there should be so much Opposition made against a Bill for this End, and that mostly by the Court Party in so good a Reign, tho' it went at last against them? So very loth we see are supream Powers, however they may be denominated and distinguish'd, to part with any Thing that may seem like a Diminution or Restraint of their Authority, tho' never so justly equitable and necessary, and consonant to the Laws of God and Nature; by which, every one ought to have all the fair Play in the World for his Life.

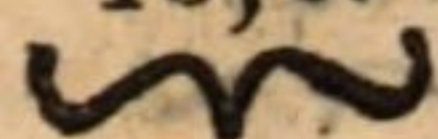
AT length, the Lord Commissioner *Whitlock* coming to the last Part of the Gentleman's Motion, That Lawyers, being Members of the House, should, during that Time, forbear their Practice and Pleading, he only gave this short, but very full Answer: ' That in the Act, which he might be pleased to bring in for that Purpose, it might likewise be inserted, That Merchants should forbear their Trading, Physicians from visiting their Patients, and Country-Gentlemen from selling their Corn and Wooll, whilst they sat as Members of that House, which had the same Reason in it as to debar Lawyers from their Practice: Then concluding with a Compliment to the House for dwelling so long upon this Subject, he hoped, that by their Prudence such Motions as these would be less frequent among them.

WE shall hear no farther of this Affair, at least for a Time, the Parliament having in a little time another sort of Work cut out

out for them ; and therefore, after having
but mentioned, That the Lord Commissioner
Whitlock was nominated by them in *February*
this Year, to be One of the Thirty that con-
stituted the Council of State ; we find in
the beginning of the Summer of the Year
1650. a new Difficulty arising about the
Command of their Army that was to March
against the *Scots*, among whom King *Charles II.*
was now come, in order to recover the rest
of his lost Dominions : Their old General
the Lord *Fairfax* could by no Means be per-
suaded to go and fight against them ; the
Council of State was much troubled at his
Scruples, and having appointed *Cromwell*,
Lambert, *Harrison*, *St. John*, and the Lord
Commissioner *Whitlock*, to confer with him
about it, each of them used their Motives
and Arguments to him upon this Occasion
without Success, which made Way for *Crom-*
well to have the Chief Command of the Ar-
my, and to arrive at the Supream Power in
the Three Nations, which no doubt he had
been long laying the Foundation of.

BUT not to Digress from the Business
in hand ; the Parliament, in the Winter of
this Year, entring upon a very long and
smart Debate, concerning an Act for putting
all the Law Books, and the Process and
Proceedings in Courts of Justice into *English* ;
in which Debate, some taking upon them to
speak in Derogation and Dishonour of the
Laws of *England*, it will be very much
worth the while to hear what the Lord Com-
missioner *Whitlock* had to say in Vindication
thereof, and for rectifying some Mistakes
that had been started concerning them.

1650.



HE began with observing, That the Question upon which their present Debate did arise, was of no small Moment, neither was it easily or speedily to be determined, since it comprehended no less than a total Alteration of the Frame and Course of their Law Proceedings, which had for so many Years been establish'd and continued; that he should not have troubled them with any of his weak Discourse, but that he apprehended there were some Mistakes and Dishonour done to the Law of *England*, which, if let pass without any Answer, might prove of ill Consequence: And that having waited to hear them answered by others, who had not thought fit to do it, he held himself the more engaged in the Duty of his Profession to offer to their Judgment, to which he should always submit, what had occur'd to him, and, he did suppose, not to be Impertinent, for the rectifying of some Mistakes that were amongst them.

T H A T since a worthy Gentleman was pleased to affirm, with much Confidence, (as he brought it in upon that Debate) That the Laws of *England* were introduced by *William* the Conqueror (as among other Arguments) might appear by their being written in the *French* Tongue; the Lord Commissioner *Whitlock* did acknowledge, That there were several Authors, both Foreign and Domestick, which he might follow therein: Of the First, were *Jovius*, *Emilius*, *Bodin*, *Hottoman*, *Dynothus*, *Valateram*, *Berault*, *Berkley*, *Choppinas*, *Uspargensis*, *Malines*, and *Polydor*, who affirmed this erroneous Piece of Doctrine; tho' it were the less to be regarded from them, because they were Strangers to
our

our Laws, and took upon Trust what they published as to that Point: That of our own Country-men, they had *Paris, Malmesbury, Matthew of Westminster, Fox, Cosins, Wynne, Heyward, Milles, Fullbeck, Cowell, Ridley, Brown, Speed, Martin*, and some others; all of which affirmed, That the Laws of *England* were introduced by *William* the Conqueror; but that their Errors were refuted by *Sir Roger Owen* in his Manuscript, who says, That *Roger Wendover* and *Matthew Paris* were the first Monks that hatched these addle Eggs.

HAVING premised thus much, he told the House, he should endeavour to shew them, That the Original of their Laws was not from the *French*; that they were not introduced by *William* the Conqueror out of *Normandy*; and then should humbly Offer to them his Answer to some of their Arguments, who were of the contrary Opinion: An Offer that seem'd to be new, and therefore the more to be attended to.

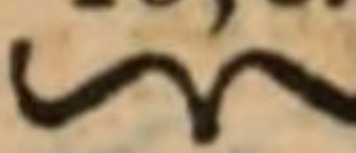
HERE beginning with what *Polydore Virgil* says, concerning *William* the Conqueror's first appointing Sheriffs and Justices of Peace, erecting Tenures, bringing in Tryals by Twelve Men, and several other Particularities of our Law: As for Sheriffs, their Name *Scire Reeve*, shew'd them to be of *Saxon* Institution; and our Historians mention'd the Division of Shires by King *Alfred*, tho' in Reality it was much more Ancient; and that it was apparent by our Books and Records, some of which were in the *Hustings* of *London*, and in the *Tower*; that the same Things were in use in *England* long before the Time of *William I.* But then he told them, that

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that Sir Roger Owen shew'd them at large, That Livery of Seisin, Licences, or Fines for Alienation, Daughters to inherit, Trials by Juries, Abjurations, Outlawries, Coroners, disposing of Lands by Will, Escheats, Goals, Writs, Wrecks, Warranties, *Catulla Felonum*, and many other Parts of our Law, nay the Forms of our Parliaments themselves, were in Being before the Time of Duke *William*; with which many of our Historians and learned Antiquaries agreed.

THEN coming to the weighty Objection, That in the Grand Customary of *Normandy*, the Laws were almost all the same with ours in *England*, and the Forms of their Parliament the same: That the Author of the Preface of that Book saith, It contained only the Laws and Customs made by the Princes of *Normandy*, by the Advice of their Prelates, Earls, Barons, and other wise Men, which shew'd the Forms of their Parliament to be the same with ours; and the Laws contained in that Book to be the proper Laws of *Normandy*, and ours to be the same; and that therefore they argued our Laws were brought from thence by *William* the Conqueror.

THIS, said he, would be fully answered, if that Grand Customary of *Normandy* was composed in the Time of *Edward I.* (as good Authors held it was) for then it could not be that any Laws or Parliaments could be derived from thence. These learned Men say, That this Customary was a bare Translation of our Law Book *Glanvil*, as that Book of *Regia Majestas* was of the Law of *Scotland*, and the like of the Laws of *Burgundy*: Nay, they add farther, That the first Establishing of the Customary of *Normandy*,
was

was in the Time of *Henry I.* and afterwards again about the beginning of *Edward II.*'s Reign. 1650. 

HENCE Mr. *Whitlock* argues, That if the Laws in the Customary were introduced then in *England*, it would be granted, That the Laws of *England* were not introduced here by *William* the Conqueror ; but he thought it very clear that their Laws were brought out of *England* to them, and that then they would agree to the Conclusion, That our King *Henry I.* conquered *Normandy* from his Brother *Robert*, and was a learned King, as his Name of *Beauclerk* testified, whom *Ino* called an especial Establisher of Justice. *Sequerius* relates, That this King established the *English* Laws in *Normandy*, with whom agreed *Gulielmus Brito Armoricus*, *Rutclarius*, and other *French* Writers, who also mentioned, That the Laws in the Customary of *Normandy* were the same with the Law collected by our *English* King *Edward* the Confessor, who was before the Conquest. Then he proceeded to the Additional Testimony of *William d' Alençon Revile*, who in his Comment upon the Customary said, That all the Laws of *Normandy* came from the *English* Laws and Nation : That in the Customary there is a Chapter of *Nampes* or *Distresses*, and decreed, That one should not bring his Action upon any Seizure, but from the Time of the Coronation of King *Richard I.* because there was no King of *France* at that Time of the Name : That the Words *Nampes* and *Withernams* were *Saxon*, taken out of our *English* Laws, importing, a Pawn or Distress, and were used in the same Sence in the Customary.

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BUT, continued he, that which put it farther out of Scruple, was, That the Manuscripts themselves of the *Saxon* Laws, made in the Parliamentary Councils held here, were yet extant in the very Language and Character of those Times, and contained in them many of those Things which were in the *Norman* Customary; That it was no improbable Opinion, that there had been a former Establishment of our Laws in *Normandy* before the Time of *Henry I.* and that this was done by *Edward* the Confessor; who, by the Concurrence of all Historians, was a great Collector and Compiler of our *English* Laws: That he lived a long time with his Kinsman, Duke *William*, in *Normandy*, who was willing to please the Confessor, in hopes to be appointed by him his Successor, wherein the Duke's Expectation had not failed him: That the Confessor having no Children of his own, and finding *Normandy* without a settled Government, and wanting Laws, consulted with his Kinsman, Duke *William*, about receiving from him the Laws of *England*, which he had collected, and establishing them in *Normandy*; which Duke *William* and his Lords readily accepted for the Good of the People, and at the same time oblig'd the Confessor.

THEN he came to another Proof, which was thus: That the Laws, which the *Normans* had before Duke *William's* Time, were different from those in the Customary, and from the *English* Laws: For in *France*, that Law of theirs, That the Husband should be hang'd if the Wife was a Thief, and he did not discover it; the meaner People were as Slaves and the like, and the Tryal of Theft by

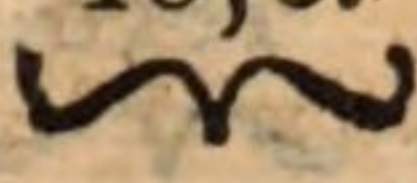
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Ordeil, which was not then in *England*: That *Wigornensis* reported, That the *Normans*, who came in with *Queen Emma*, the Wife of *Ethelred*, were so hated by the *English* for their Injustice and false Judgment, that they were for that Reason banish'd in the Time of King *Canutus*; and that it was so much the less probable, that they, who were so unjust of themselves, should introduce such just Laws as ours were.

THAT between the Conquest of *Normandy* by *Rollo*, and the Invasion of *England* by Duke *William*, there were not above 160 Years, that of *Normandy* being about 912. and that of *England* in 1060; was it therefore consonant to Reason, That these *Norman* Pagans, a rough Martial People descended from so many barbarous Nations, should in the space of 150 Years establish such excellent Laws among themselves, and different from the *French* Laws, among whom they were, and all Parts of the World except *England*; and such Laws too, as were not only fit for their Dukedom, and a small Territory, but fit also for this Kingdom, which in those Days was the Second in *Europe* for Antiquity and Worth, by the Confession of most Foreign Historians.

THEN he further subjoins, That if we would give Credit to their own Historians, this Point would be sufficiently evinced by them; and these Words were in the Proem of the Customary, which is Intituled, *Descriptio Normanniae: Hucusque Normannicae Consuetudinis Laterem sive Datorem, Sanctum Edwardum, Angliae, Regem, &c.* That the same was witnessed by *Chronica Chronicorum*, That *St. Edward*, King of *England*, gave Laws to
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1650.  the *Normans*, among whom he had long Sojourn'd; and that he made both the Laws of *England* and of *Normandy* appear sufficiently by the Conformity of them, for which he cited divers Particulars, viz. Of Appeals, the Custom of *England*, *ad probandum aliquid per Credentiam duodecim hominum vicinorum*, which he said remained in *Normandy* to that Time.

T H A T *Polydore* forgetting what he had wrote in another Place, said of King *Henry VII.* when a Scruple was made about his Daughter's Marriage with the King of *Scots*, That the King should answer, No; and that *England*, as the greater Kingdom, would join *Scotland* to it, as being the lesser, and incorporate it with the Laws of *England*, as it did *Normandy*, though the Possessor thereof was Conqueror in *England*: Nay, That Sir *Roger Owen* in his Manuscript does affirm, That there were none of our Historians, who lived in the Compass of 200 Years immediately after the Conquest, who said, our Laws were abolished, and that the Customs of *Normandy* were introduced by the Conqueror.

T H A T some of them (and not improbably) mentioned the Alteration of some part of them, and the introducing some *Norman* Customs proper for the Preservation of the Publick Peace.

T H E Lord Commissioner, having so learnedly proceeded thus far in the Argument, said, That the Grand One most insisted upon, and often urged by the Gentlemen of the opposite Party, was still behind, which was the Title of him called the Conqueror; from whence they concluded, That by his Conquest he had altered the Laws and Govern-

Government of the Nation, and that his Successors reckoned the Beginning of their Reigns from his Conquest. To this he answered, That a *Posse ad esse non valet Argumentum*; That the Conquering of the Land was one Thing, the Introducing of new Laws another Thing; but that there was a direct Proof to the contrary of this Argument, that Duke having never assumed the Sirname of *Conqueror*, he being called so in his Life-time, as appears by all the Letters-Patents and Deeds that he had made, wherein he was only stiled *Gulielmus Rex, Dux, &c.* and never *Conqueror*; and that our ancient Historians give him the same Titles, and not that of *Conqueror*: That he is Sirnamed *William the Bastard* in the Title of *Nubirgensis* his Book; *William the First* by *Malmsbury*; and *William the Elder* by *Hoveden*: That *Adam de Monmouth* says, That the Word *Conquest* was found out in the First Year of *Edward III.* to distinguish one *Edward* from another, because this King had Two Predecessors of the same Name, as well as the *Conqueror*, who claimed the Crown as Heir to *Edward the Confessor*; but that they (says he) called him the *Conqueror*, because he overcame *Harold*.

T H A T Duke *William* himself claimed the Crown of *England*, as Successor and adopted Heir of the Confessor, by his Will, and *Harold's* renouncing his Title and Oath: That the Register of *St. Albans*, *Mathew Paris*, and others, did attest, That the Barons of *England* did him Homage as Successor; That he relied on them in his Foreign Wars; and that the Check given to him by the *Ken-*
tish Men, and the Forces raised by the Abbot

1650. of *St. Albans*, brought him to engage to confirm the Laws of the Successor; and that they admitted him, as his Successor by lawful Right, to be their King.

HE went on to cite many Proofs for the Confirmation of his Assertion; more particularly instancing *Vita Lazaro*, who wrote, That *William* was made Heir to the Confessor, and that he was his Unkle: That another Author affirmed, That *Edward* by his Will left him *England*: That *Paulus Emilius* and *Fulgatus* wrote to the same Purpose: That Pope *Alexander* the Second sent him a Banner, as a Testimony that he might with a safe Conscience expel the Tyrant *Harold*, because the Crown was his Right by the Confessor's Will and *Harold's* Oath: That *Gemilicensis*, *Walsingham*, *Malmsbury*, *Huntington*, *Ingulphus*, *Paris*, *Pike*, *Wendover*, *Caxton*, *Gisborn*, and others, agreed with them in this Particular: That the ancient Deeds of the Abbey of *Westminster*, which were some time in his own Custody, proved it: That King *William*, in his Charter to them, set out his own Title to the Crown after this Manner; *Beneficio Concessionis & Cognati mei gloriosi Regis Edwardi*: That in his Second Charter, bearing Date in the 15th Year of his Reign, he saith, 'In Honour of King *Edward*, who made me his Heir, and adopted me to rule over this Nation:' That in his Charter dated in 1088, of the Liberties of *St. Martin the Great*, the Manuscript has these Words; 'In Example of *Moses*, who built the Tabernacle; and of *Solomon*, who built the Temple:' *Ego Gulielmus, Dei Dispositione, & Consanguinitatis Hereditate, Anglorum Basilus, &c.*

THAT

T H A T in the Charter of *Henry I.* his Son to this Abbey are these Words ; ' In Honour of *Edward* my Kinsman, who adopted my Father and his Children to be Heirs to this Kingdom, &c.' That in another Charter of *Henry I.* in the Book of *Ely*, he called himself the Son of *William* the Great, who by Hereditary Right succeeded King *Edward*.

T H A T it was true as to the Pretensions of his Title by the Will of the Confessor, *Matthew Paris* makes it to be void in itself, as being done without the Consent of the Barons : To which it might be answered, That probably the Law was so in the Time of *Henry III.* when he wrote ; and was so taken to be in the Statute of *Carlisle*, and in the Case of King *John* : But that at the Time of Duke *William's* Invasion, the Law was taken to be, That a Kingdom might be devised by Will : That so was that of *Pictus Rufus* ; and *Asia* came to the Romans by the Will of King *Attalus* ; *Florus's* Words being these, *Populus Romanus bonorum meorum Hæres esto* : That *Bitbunia* came to the Romans by the last Will of their King *Nicomedes*, as is mentioned by *Utopius*, together with that of *Libia* : That *Cicero* in his Orations informs us, That the Kingdom of *Alexandria*, by their King's last Will, devolved upon *Rome* ; and that *Prasitagus*, King of the *Iceni* in *Britain*, upon his Death-bed, gave his Kingdom to *Nero* the Emperor.

T H E N he came to Domestick Examples in this Case, and said, That *William I.* by his Will, gave *England* to his younger Son *William Rufus* : That King *Stephen* claimed by the Will of *Henry I.* That *Henry VIII.* had

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Power by Act of Parliament to order the Succession of the Crown as he pleased by Will; and that the Lords of the Council in Queen *Mary's* Time wrote to her, That the Lady *Jane's* Title to the Crown was by the Will and Letters of *Edward VI.*

T H A T as the Case of *Henry VIII.* was by Act of Parliament; so Duke *William*, after he had conquered *Harold*, was by the general Consent of the Barons and People of *England* accepted for their King, and so was his Title by Will confirmed; and that he both claimed and governed the Kingdom as an Heir and Successor, confirmed their ancient Laws, and governed according to them.

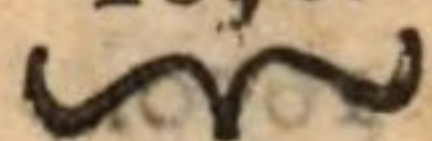
T H A T this appeared by *Chronica Chronorum*, which speaking of *William* the Bastard, King of *England* and Duke of *Normandy*, saith, That whereas *St. Edward* had no Heir in *England*, King *William* having conquered *Harold* the Usurper, obtained the Crown upon this Condition, That he should inviolably observe those Laws given by the said King *Edward*: That many of our Historians also bear Witness, That the ancient Laws of *England* were confirmed by Duke *William*.

M O R E particularly he cited, 1. *Jornalensis*, who says, That out of the *Merchen Lage*, *West-Saxon Lage*, and *Dane Lage*, the Confessor composed the Common Law, which remained to that Day; 2. *Malmsbury*, Contemporary with Duke *William*, That the Kings were sworn to observe the Laws of the Confessor; so called (says he) because he most religiously observed them: But that, to make the Matter yet clearer, 3. Out of *Ingulphus*, in the End of his Chronicle,

nicle, his Words are; 'I *Ingulphus* brought with me from *London*, into my Monastery of *Crowland*, the Laws of the most righteous King *Edward*; which my Lord King *William* did command by his Proclamation to be authentick and perpetual, and to be observed throughout the whole Kingdom of *England*, upon pain of most grievous Punishment.' 4. The Leiger-Book of the Abbey of *Waltham* commends King *William* for restoring the Laws of the *English* Men out of the Customs of their Country. 5. *Radburn* follows these Opinions; and these Laws of *Edward* the Confessor, are the same in part which are contained in our great Charter of Liberties. 6. A Manuscript, Entituled, *De Gestis Anglorum*, says, That at a Parliament at *London*, in the Fourth of *William* I. the Lawyers being also present that the King might hear their Laws, he established St. *Edward's* Laws, they being formerly used in King *Edward's* Time. 7. There is also mention of the Twelve Men out of every County, that were faithfully to deliver the State of their Laws: The same is remembred by Mr. *Selden*, in his History of Tythes and Titles of Honour, and in a Chronicle in Manuscript bound with the Book of *Ely* in *Cotton's* Library.

THE next Thing the Lord Commissioner *Whitlock* took upon him to discuss, was, Our Laws being writ in *French*. He took the Hint from one of the Gentlemen from whom he differed in Opinion; he saying, That if *William* the Conqueror did not introduce the Law of *Normandy* into *England*, that yet he conceived our Laws were brought out of *France* hither in the Time of some or

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other of our Kings, who had large Territories in *France*, and brought in their Laws upon us, else he wondred how our Laws should be in *French*. As to that Particular, he said, He should endeavour to satisfie his Wonder at that by and by; but first, he desired Leave to offer to them some Probabilities out of History, That the Laws of *England* were by some of those Kings carried into *France*, rather than that the *French* Laws should be brought hither.

T H A T this is what was expressly affirmed by *Paulus Jovius*, who wrote, That when the Kings of *England* reigned over a great Part of *France*, they taught the *French* their Laws. He in the next place introduced the Testimony of the *Venetian* Historian *Sabelcius*, viz. That the *Normans*, in their Manners, Customs, and Laws, followed the *English*. Then for *Polydore Virgil*, who contradicts himself in another place, besides that already cited: He gives an Account, That in the Reign of our King *Henry VI.* the Duke of *Bedford* assembled the Principal Men from all the Cities of *Normandy*, and set forth in a Speech to them the many Benefits the *English* afforded them, especially in that the *English* gave them their Customs and Laws. Lastly, That by the Chronicle of *Eltham* it appeared, That *Henry V.* not only sent Divines, but *English* Common Lawyers, to *Caen* in *Normandy*, by the Convention of *Troyes*; so that upon the whole, there was much more Probability that the Laws of *England* should be introduced into *France* and *Normandy*, than that the Laws of *Normandy*, or any other Part of *France*, should be introduced into *England*.

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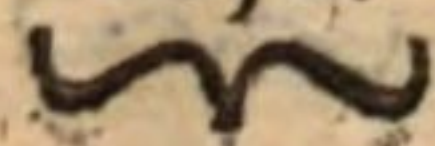
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T H A T if the *Normans* had been Conquerors of *England*, as they were not, their Duke being only Conqueror of *Harold*, and received as Hereditary King of *England*; yet it was not probable they would have changed our Laws, and introduced their own, because they were not wont to do so on other Conquests; of which he gave the following Instances: The *Normans* conquered the Isles of *Guernsey* and *Jersey*, yet altered not their Laws, which in their local Customs were like unto ours: They did the like by *Sicily*, *Naples*, and *Apulia*, which were subdued by them, and yet the ancient Laws of those Countries were continued.

H A V I N G no more to offer upon this Head, but hoping he had by this time given some Satisfaction to the worthy Gentlemen that differed from him, That the Laws were not imposed upon us by the Conqueror, nor brought over hither out of *Normandy*, or any other Part of *France*, but were our ancient native Laws: He now also endeavoured to clear up that Wonder, That if they were not brought out of *Normandy*, or some other Part of *France*, how they should be written in the *French* Tongue.

H E said, It was an Argument to him, because they were writ in *French*, that they were not introduced into *England* by *William* Duke of *Normandy*; for the *French* Tongue was not the Language of that Prince, nor of the *Normans*: That they had not been in Duke *William's* Time above Four Descents in that Part of *France*; and it was improbable that they should in so short a Time lose their native Language, and take up with the Lan-

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guage of another Country that was conquered by them.

T H A T the *Normans* came from *Sweden*, *Gothland*, *Norway*, and *Denmark*; between whose Languages, and the *High Dutch* their Neighbours, there was a great Affinity, but none at all between these and the *French*: That the *Dutch* Tongue, according to the Opinion of *Ulphilus*, came from the *Goths*, while *Jornandus* will have the *Gothick* Language to proceed from the *Dutch*: That all agree, there is no Affinity between them and the *French*.

T H A T it is so improbable, that *William* Duke of *Normandy* should cause our Law to be in *French*, that when he proclaimed them (saith *Ingulphus*) he commanded they should be used in the same Language wherein they had been written, which was *English*, to his Justices; and gives this Reason for it, Lest by Ignorance they should happen to break them.

T H A T it had been further objected, That if Duke *William* did not cause our Laws to be written in *French*, what then should the Reason be, That the Grand Customary of *Normandy*, or of the *Norman* Laws, were written in that Language? That this had been answered already, viz. That the *Normans*, being a rough and martial People, had few Clerks amongst them, but made use of those *French* among whom they lived, and whose Language they then began to be acquainted with, and to understand; but that when they were in *England*, they had not so much use of those Clerks, and of that Language, but more of the *English*; and that it might be probable that the Confessor, who had lived so long in *France*, might be more Master

Master of that Language than of the *Nor-* 1650.
man, and that the *Normans* understood that
Language better than the *English*; and that
thereupon the Customary was writ in the
French Tongue.

BUT that it did not therefore follow,
That Duke *William* must cause the *English*
Laws to be written in the *French* Tongue;
but that it was more likely he might cause
them to be continued in their native Idiom,
which had much greater Affinity with his
own Northern Language than with the
French.

THAT it appeared the *French* Lan-
guage was not introduced, as to our Laws
and other Things, by *William* Duke of *Nor-*
mandy into *England*, in that the *French* was
much in use with us here, both before and
some time after his Invasion: For *Beda* affir-
med, That it was the Custom of *England* in
the Year 640. to send their Daughters into
the Monasteries of *France*, to be brought up
there; and that *Ethelbert*, *Ethelwoulf*, *Ethel-*
red, and others of our *Saxon* Kings, marry'd
into the Royal Blood of *France*: That it was
noted by *Glaber*, That before the Time of
Duke *William*, the *Normans* and *English* were
so leagued together, that they became a Ter-
ror to Foreign Nations; and that the *Saxon*
Hand was used, according to *Ingulphus*, until
the Time of King *Alfred*, long before the
Days of Duke *William*; and that he being
brought up by *French* Masters, used the *French*
Hand: Nay, That he noted many Charters
of *Edred* and *Edgar*, writ in the *French* Hand,
and some *Saxon* mixt with it, as in the Book
of *Doomsday*.

THAT

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W THAT *Edward* the Confessor, by reason of his having been so long in *France*, was turned into the *French* Fashion, and all *England* along with him; But that *William I.* commanded our Laws to be writ in the *English* Tongue, because most Men understood it; and that there were many of his Patents in the *Saxon* Tongue.

H E supposed they might be satisfied, That *William I.* did not cause our Laws to be written in *French*, tho' the *French* Language was much in use in *England* before this time; and that if he did not introduce the *French* Language into *England*, the Argument fell, That because they were written in *French*, therefore they were introduced by him.

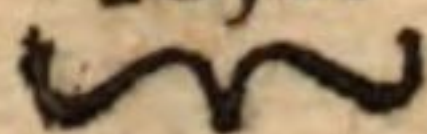
H E came in the next Place to offer some Conjectures, how it came to pass that our Laws were writ in *French*; which he supposed might be begun in the Time of our King *Henry II.* who was a *French*-Man born, and had large Territories, and Relations in *France*: That many of his Successors had the like, and very much to do in *France*, and with *French*-Men; of whom great Numbers came into *England*, and there were frequent Inter-Matches between them and the *English*, both here and in some Parts of *France*.

THAT hence it came to pass, according to *Giraldus Cambrensis*, That the *English* Tongue was very much used at *Bordeaux*, and in other Parts of *France*, where the *English* resided, and were conversant; and that it was the same thing, when the *French* were so conversant in *England*: That we were informed by *Matthew Paris*, That he was in Danger of losing his Life, because he did not understand the *French* Tongue, and that in
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the Reigns of *Henry II.* and King *Stephen*, 1650.
who had large Dominions in *France* their
Native Country, the Number of *French* and
of Matches between them and the *English*
was so great, that one could hardly know
who was *French*, and who was *English*: That
the same Thing was observed by *Gervastus*
Tilsberiensis; and *Brackland* writ, That in the
Time of *Richard I.* Preaching in *England* was
in the *French* Tongue; that Pleading might
probably be so too, and that *French*, in King
John's Reign, was accounted as the Mother-
Tongue: That there were scarce any Deeds
of our Kings in *French* before the Reign of
Henry II. and that most of them were in the
Time of *Edward I.* and *Edward II.* That our
Laws were written in *French* before the Reign
of *Edward III.* appear'd by the Statute of the
36 *Edw. III. cap. 15.* wherein is recited the
Mischief of the Laws being in the *French*
Language, and by which it was enacted,
That the Law from thence-forward should
be pleaded in *English*, and enrolled or re-
corded in *Latin*. That this was one Ground
of the mistaken Opinion of *Lambert*, *Polydore*,
Speed, and others, That *William* Duke of *Nor-*
mandy introduced both the *Norman* Laws and
Language into *England*, which he appre-
hended to have been fully answered, and
the contrary made manifest by what he had
said before on that Subject: And that *Po-*
lydore's Mistake was still the more apparent,
in asserting, That by that Statute of the
36 *Edw. III.* Matters were to be enrolled in
English, which was contrary to the very ex-
press Words of the Text, That they were to
be enrolled in *Latin*.

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THAT many of our Law Books were writ in *Latin* before the *Norman* Invasion, as appear'd by the ancient Rolls of Mannors and Courts Baron; as also by our old Authors, *Glanvil*, *Bracton*, *Tilesbury*, *Hengham*, *Fleta*, the Register, and Book of Entries; That the Records at *Westminster*, and in the *Tower*, with other Records yet extant, were in *Latin*; and many Books of our Law, writ in that Language, were translated into *English* about the Reign of *Edward III.* That most of our Statutes from the Time of *Edward I.* till about the middle of the Reign of *Henry VII.* were enrolled in *French*, notwithstanding the Statute of the 36 *Edward III.* except the Statute of the 8 *Richard II.* and some others that were in *Latin*: That *Richard II.* *Henry IV.* *Henry V.* and *Henry VI.* were wont to write their Letters in *French*, and 'twas so in the *Common-Pleas* to our Time.

BUT, continued he, our Law was, *Lex non scripta*, by which he meant the Common-Law; and our Statutes, Records and Books, writ in *French*, were no Arguments at all, that therefore the Origin of our Laws was from *France*, but that they were in Being before any of the *French* Language was introduced into our Laws: That the *English*, according to what is noted by *Fortescue*, kept their Accounts in *French*, that yet they had undoubtedly Accounts and Revenues in *England* before the *French* Language was introduced amongst them: That the Conqueror, according to my Lord Coke, taught the *English* the *Norman* Terms of Hawking, Hunting, Gaming, &c. and that yet it was not to be doubted, but that these
Re-

Recreations were in use amongst us before
his Time. 1650.

BUT, tho' it might be allow'd, That King *William*, or any other of our Kings, either before or after his Time, had introduced the *French* Language amongst us; that yet it was no Argument, that either he or they had changed our Laws, or brought in others upon us, which were undoubtedly in *England* long before those Times, and some of them, when the *French* Tongue was so much in vogue in *England*, were translated, written, pleaded and recorded, in the *French* Language, tho' otherwise they still remain'd to be the same Laws: And hence it was, that from the common Use of the *French* here, the Reporters of our Law Cases, and the Judgments that were made in those Times, wrote their Reports in *French*, which was the pure Language of that Time, tho' mixt with some Terms of Art, many of which were taken from the *Saxon* Tongue, as was manifest by such of them as were still in Use; and the Reporters of later Times, and Students at this Day, used to take their Notes in *French*, herein following the old Reports which they had studied, and the old *French*, which in Process of Time, like other Languages, came to be so much varied and altered, as we see it at this Day.

THAT he would not deny, but that some Monks in ancient Times, and some Clerks and Officers, might have the Subtilty, for their own particular Honour and Interest, to keep up a Mystery, and to keep as much of our Law as was possible as a Mystery from the common People, that it might be the less understood by them; But that Councillors at Law,
and

1650.

and Judges, could have no Advantage thereby; but that perhaps it would be found, that the Law being in *English*, and generally more, but sufficiently understood, would occasion the more Suits. And that possibly there might be something of the like Nature in respect to the Court-Hand; and that yet if the more common Hands were to be used in our Law Writings, they would be the more subject to change, as the *English* and other Languages were, but not the *Latin*; and certainly the *French* Tongue, in our Reports and Law Books, did not deserve to be so enviously decry'd, as it was by *Polydore, Aliotte, Daniel, Hottoman, Cowell*, and others.

HERE the Lord Commissioner *Whitlock* having handsomely excused his Tedioufness, and humbly asked Pardon, which he had the more Hopes to obtain from so many worthy *English* Gentlemen, seeing what he said was chiefly in Vindication of their own Native Laws, whereunto he held himself the more oblig'd according to the Duty of his Profession, and that he accounted it an Honour to him to be a Lawyer, he began now to draw to a Closure; saying, That as to the Debate and Matter of the Act then before them, he had delivered no Opinion against it, neither did he think it reasonable, that the generality of the People of *England* should, by an implicate Faith, depend upon the Knowledge of others, in that which concerned them most of all: That it was the Policy of the Church of *Rome* to keep them in Ignorance of Things appertaining to the Salvation of their Souls; but not to let them remain ignorant of Matters relating to
their

their Bodies, Estates, and all their worldly Comforts: That it was not unreasonable, That the Law should be in that Language which might best be understood by those, whose Lives and Fortunes were subject to it, and were to be governed by it.

T H A T *Moses* read all the Law openly before the People in their Mother-Tongue; That God directed him to write, and expound it to the People in their Native Language, that so what related to their Lives, Liberties and Estates, might be made known unto them in the most clear and perspicuous Manner.

T H A T the Laws of the *Eastern* Nations were in their own proper Speech, that those at *Constantinople* were in *Greek*, at *Rome* in *Latin*; that the *French*, *Spanish*, *German*, *Swedish*, *Danish* Laws, and those of other Nations, were published in their Native Idiom: And for our own Country, that there was no Man that could read the *Saxon* Character, but should find the Laws of our Ancestors yet extant in our *English* Tongue: Nay, Duke *William* himself commanded the Laws to be proclaimed in *English*, that none might pretend Ignorance of them.

T H A T it was the Judgment of the Parliament of the 36 *Edward III.* that Pleadings at Law should be in *English*; and that in the Reign of those Kings, when our Statutes were enrolled in *French* and *English*, that yet the Sheriffs in their several Counties were to proclaim them in *English*.

T H A T he should conclude with a Complaint of what he had met with abroad from some Military Men, from whose Mouths came nothing but Scoffs and Invectives against

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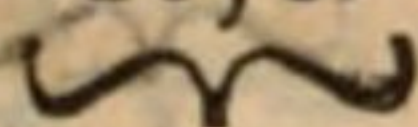
gainst our Laws, with Menaces to take it away; but that the Law was above those Weapons, which one time or another would turn upon those that used them; that solid Arguments, strong Reasons and Authorities, were fitter for the Confutation of any Error, and the Satisfaction of different Judgments, than these: That when the Emperor took a Bishop in compleat Armour in a Battle, he sent the Armour to the Pope, with this saying, *Hæccine sunt vestes filii tui?*

THAT the same might be said to those Gentlemen abroad, in respect to their Raileries, Tumults and Threats, against the Law; *Hæccine sunt Argumenta horum Antinomianorum?* They would be found of no Force, but Recoiling Arms: Neither was it ingenuous nor prudent in *English*-Men to debase their Birth-Right, the Laws of their Native Country. Upon the whole, he said, He could find nothing that was strange, nor foresaw any Inconveniency in passing of that Act; and that therefore, if the House thought fit to have the Question put, he was ready to give his Affirmative."

HAVING ended this glorious Speech; the turning of the Law Books, and the Process and Proceedings in the Courts of Justice into *English*, was unanimously carried, undoubtedly, to the great Benefit of the People of *England* for the time it lasted; but the Change of the Government into its ancient and legal Constitution quite over-turned this, and many other excellent Regulations, made in the Time of the Republick, and of the Protectorship, which had no other Crime in them, but that they were done by Illegal Powers;

Powers; and yet 'tis observable, That we have some of the excellent Laws of the Usurper *Richard III.* still in Being, which certainly are never the Worse in themselves, because enacted by a Tyrant; and 'twere very absurd in any to say, This Advice is very good for me, but I will not follow it, because it proceeds from an ill Man.

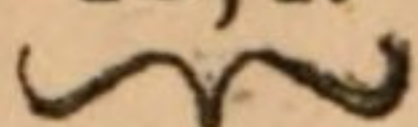
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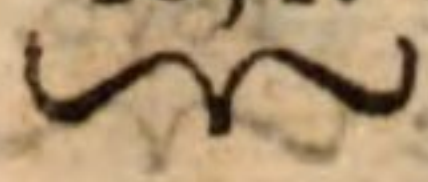


BUT to return again to our Lord Commissioner *Whitlock*: The Parliament having thought fit the Council of State should be altered for the Year ensuing, voted, That One and twenty of the old Members should still continue in, of whom Mr. *Whitlock* was One, and Twenty new Ones to be elected in by Ballotting.

THE Parliament's Army having been attended with almost an unparallell'd Train of Success, both in *Scotland* and at *Worcester*, under the Directions and Conduct of *Cromwell*; he, some time after this last Action, desired a Meeting of several Members of Parliament, and some of the chief Officers of the Army, at the Speaker's House; among the many that appear'd there, the Lord Commissioner *Whitlock* could not but be One: Here *Cromwell* having proposed to the Assembly, ' That now the old King being dead, ' and the Son defeated at *Worcester*, he held ' it necessary to come to a Settlement of the ' Nation, in order to which he had desired ' that Meeting. The Speaker having said, ' They were very ready to attend his Excellency to that purpose, as a necessary and ' important Affair that ought to be done: And *Harrison* having spoke something to the

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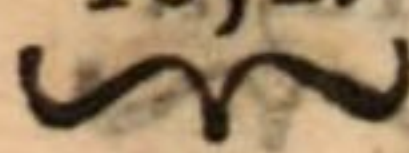


1651.  same End, my Lord Commissioner *Whitlock* said, ' It was a Matter not suddenly to be
 ' resolved on, and yet it was Pity that a
 ' Meeting of so many noble and worthy
 ' Persons, as he saw there, should be fruit-
 ' less; and therefore he humbly offered in
 ' the first Place, whether it would not be re-
 ' quisite to be understood in what Manner
 ' that Settlement was desired; whether an
 ' absolute Republick, or One with a Mixture
 ' of Monarchy in it. *Cromwell* having very
 well approved of what Mr. *Whitlock* said,
 Sir *Thomas Widdrington*, the Lord Chief Ju-
 stice *St. Johns*, and the Lord Commissioner
Whitlock, declared their Sentiments freely for
 a mixt Monarchy; and the last of the Three
 spoke to this Effect against the *Republicans*:
 ' That the Laws of *England* were so interwoven
 ' with the Power and Practice of Monarchy,
 ' that to settle a Government without some
 ' mixture of Monarchy in it, would make
 ' so great an Alteration in the Proceedings
 ' of Law, that they should have scarce Time
 ' to rectifie, neither could they well foresee
 ' the Inconveniencies that would arise there-
 ' from. In short, he was of Opinion, That
 ' a Day should be assigned for the King's
 ' Eldest Son, (meaning King *Charles II.*) or
 ' for the Duke of *York*, his Brother, to come
 ' to the Parliament, upon such Terms, as
 ' should be thought fit and agreeable, both
 ' to their Civil and Spiritual Liberties, that
 ' a Settlement might be made with them.

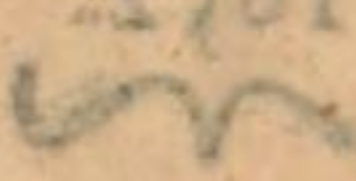
THE Company brake up without com-
 ing to any Resolution about this Grand Af-
 fair, wherein 'twas thought *Cromwell* had no
 other View than to sound the Inclinations of
 those

those present, and to make use of the same afterwards, as he found them most applicable for his Turn: The Parliament soon after this referred it to several Persons out of the House, of whom the well-known *Hugh Peters* was one, to take into their Consideration what Inconveniencies there were in the Law, and how the Mischiefs that did arise from the Delays, Chargeableness and Irregularities, in Law Proceedings, might be prevented, and the most expeditious Method to Reform the same, and to present their Opinions to such a Committee as the Parliament should appoint. Those People having entred upon several Heads of Inconveniencies in relation to Estates in Tail, and Copyholds, and that for the future they might be made liable for the Payment of Debts: Mr. *Whitlock* was frequently consulted by some of this Committee; and none of them was more active than *Peters* aforementioned, tho' he understood but little of the Law, but was very Opinionative, and would frequently mention some Law-Proceedings in *Holland*, wherein he was altogether mistaken.

A WAR being now ready to break out between the Two Republicks of *England* and *Holland*, which the *Dutch* Ambassadors at *London* made a shew as if they would have it prevented, there happen'd one Day a smart Dispute between them and the Parliament's Commissioners, of which the Lord Commissioner *Whitlock* was One, concerning the Right of Fishing in the Narrow Seas; and the Sovereignty of those Seas, being in the *English* Nation, was touched upon; and much more than the rest by Mr. *Whitlock*, who was

1652.  most capable of such a Disquisition, which did not at all agree with the *Dutch* Ambassadors Pallates.

MY Lord Commissioner *Whitlock* was all this while an Eye-sore to some that sat at the Helm at home ; And when the Parliament was upon voting to have Commissioners named for the Administration of the Civil Power in *Ireland*, it was proposed and urged to Mr. *Whitlock*, That he should be One, and the Chief of them ; and the great Command as well as the Honour of that Imployment, together with the considerable Profits of it, was used as an Argument to persuade him to accept of it.

 THIS he very justly suspected to be a Design of his Enemies, who would feign have him sent out of the Way, and rid him of his Place of Lord Commissioner of the Great Seal ; and 'twas the Opinion of some, that *Cromwell*, underhand, might forward it, as not liking his Non-Compliance with his Mind in some Things, and particularly some *Chancery* Causes : But the Commissioner at first discreetly excused himself from undertaking this Service, that being no Advancement to him, either in Honour or Profit, and that he did not like the Country ; and at last, with a kind of resolute Denial, got himself off from being named : And tho' the General himself afterwards took upon him to persuade him to accept of the Imployment, and highly commended the Country, it availed nothing ; he made use of the same Excuses to him as he had done before, and so that Matter ended.

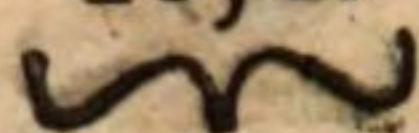
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THERE seems to have been but very little Intercourse and Correspondence between *Cromwell* and the Lord Commissioner *Whitlock* for some Months after this; but the General meeting him One Day about the beginning of *November*, he saluted him with more than common Civility; and desiring him to walk aside with him, that they might have some private Conference together, *Whitlock* waited on him, and *Oliver* beginning the Discourse, said,

‘HE knew my Lord *Whitlock*’s Faithfulness and Engagement in the same Good Cause with himself, and the rest of their Friends; and he knew his Ability in Judgment, and his particular Friendship and Affection for him; that indeed he was sufficiently satisfied in those Things, and therefore desired to advise with him in the main and most important Affairs relating to their present Condition.

Mr. *WHITLOCK* answered his Excellency, That he had known him long; and he thought he would say, that he never knew any Unfaithfulness or Breach of Trust by him; and that for his particular Affection to his Person, his Favours to him, and his publick Services, had discovered more than he could manifest, only there was (with his Favour) a Mistake in this one Thing, touching his weak Judgment, which was incapable to do any considerable Service for himself, or that Commonwealth; yet, to the utmost of his Power, he should be ready to serve him, and that with all Diligence and Fidelity.

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CROMWELL told him, 'He had Cause to be,
' and was, without the least Scruple of his
' Faithfulness, and he knew his Kindness to
' him his old Friend, and his Abilities to
' serve the Commonwealth, and there were
' enough besides him that could testifie it;
' and he believed their Engagement for that
' Commonwealth had been, and were, as deep
' as most Men; and there never was more
' need of Advice, and solid hearty Counsel,
' than the present State of their Affairs did
' require.

MY Lord Commissioner *Whitlock* rejoyn'd,
' That he supposed no Man would mention
' his particular Engagement in that Cause,
' at the same time when his Excellency's
' Engagement was remembred; that yet to
' his Capacity, and in his Station, few Men
' had engaged further than he had done;
' and that, besides, the Goodness of his Excel-
' lency's own Nature, and Personal Know-
' ledge of him, would keep him from any
' Jealousie of his Faithfulness.

CROMWELL hereupon wish'd, 'There were
' no more Ground of Suspicion of others
' than of him; that he would trust him
' with his Life, and the most secret Matters
' relating to their Business; and to that End,
' he had now desired a little private Dis-
' course with him; and that really there was
' very great Cause for them to consider the
' dangerous Condition they were all in, and
' how to make good their Station, to im-
' prove the Mercies and Successes God had
' given them, and not to be fooled out of
' them again, nor to be broken in Pieces
' by their particular Jarrings and Animosities
' one against another, but to unite their
' Coun-

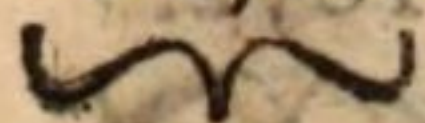
1652.

‘ Councils, Hands and Hearts, to make good
‘ what they so dearly Bought with so much
‘ Hazard, Blood and Treasure ; and that
‘ the Lord having given them an entire
‘ Conquest over their Enemies, they should
‘ not hazard all again by their private
‘ Janglings, and bring those Mischiefs upon
‘ themselves, which Enemies could never do.

WHITLOCK said, ‘ He look’d upon their pre-
‘ sent Danger greater than ever it was in
‘ the Field ; and, as his Excellency truly ob-
‘ served, their Proneness to destroy them-
‘ selves when their Enemies could not do it.
‘ It was no strange thing for a gallant Army,
‘ (as his was) after full Conquest of their
‘ Enemies, to grow into Factions and am-
‘ bitious Designs ; and it was a wonder to
‘ him that they were not in high Mutinies,
‘ their Spirits being active, and few think-
‘ ing their Services to be duly rewarded,
‘ and the Emulation of the Officers daily
‘ breaking out more and more in that time
‘ of their Vacancy from their Employment ;
‘ besides, the private Soldiers, it might be
‘ feared, would in that time of their Idleness
‘ grow into Disorder ; and it was his excel-
‘ lent Conduct, which, under God, had kept
‘ them so long in Discipline, and free from
‘ Mutinies.

HERE having acknowledged the excel-
‘ lent Order and Obedience he had kept the
‘ Army in, even to Admiration ; *Cromwell* said,
‘ God had blest him in it exceedingly, and
‘ he hoped would do so in it still ; That his
‘ Lordship hath observed most truly, the In-
‘ clinations of the Officers of the Army to
‘ particular Factions and Murmurings, that
‘ they were not Rewarded according to

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‘ their Deferts ; That others, who had ad-
‘ ventured least, had gained most ; and they
‘ had neither Profit nor Preferment, nor
‘ Place in the Government, which others
‘ held who had undergone no Hardships nor
‘ Hazards for the Commonwealth ; and
‘ herein they had too much of Truth, yet
‘ their Insolency was very great, and their
‘ Influence upon the private Soldiers worked
‘ them to the like Discontents and Murmu-
‘ rings. Then as for the Members of Par-
‘ liament, the Army began to have a strange
‘ Distaste against them ; and he wish’d there
‘ were not too much Cause for it, and real-
‘ ly their Pride and Ambition, and Self-
‘ seeking, ingrossing all Places of Honour
‘ and Profit to themselves and their Friends,
‘ and their daily breaking forth into new
‘ and violent Parties and Factions ; their
‘ Delays of Business, and Design to perpe-
‘ tuate themselves, and to continue the Power
‘ in their own Hands, their meddling in pri-
‘ vate Matters between Party and Party,
‘ contrary to the Institution of Parliaments,
‘ and their Injustice and Partiality in those
‘ Matters, and the scandalous Lives of some
‘ of the Chief of them : These Things gave
‘ too much Ground for People to open their
‘ Mouths against them, and to dislike them.
‘ Nor could they be kept within the Bounds of
‘ Justice and Law, or Reason, they them-
‘ selves being the Supream Power of the
‘ Nation, liable to no Account to any, nor
‘ to be Controuled or Regulated by any
‘ other Power, there being none Superior
‘ or Coordinate with them : So that Power
‘ unless there be some Authority and Power,
‘ so full and so high, as to restrain and keep
‘ Things

Things in better Order, and that might be a Check to these Exorbitances, it would be impossible in human Reason to prevent their Ruine.

WHITLOCK confess'd, 'The Danger they were in by these Extravagancies and Inordinate Powers, was more than he doubted was generally apprehended; yet, as to that part of it which concern'd the Soldiery, his Excellency's Power and Commission was sufficient already to restrain and keep them in their due Obedience; and blessed be God he had done it hitherto, and he doubted not but by his Wisdom he would be able always to do it.

'*T H A T* as to the Members of Parliament, he confess'd the greatest Difficulty lay there, his Commission being from them; and they being acknowledged the Supream Power of the Nation, subject to no Controuls, nor allowing any Appeal from them. That yet he was sure his Excellency would not look upon them as generally depraved; too many of them were much to blame in those Things he had mentioned, and many unfit Things had passed among them; but he hoped well of the major Part of them, when great Matters came to a Decision.

CROMWELL reply'd, 'There was little of a good Settlement to be made by them; that really there was not, but a great deal of Fear, that they would destroy again what the Lord had done graciously for them and us; that they all forgot God, and God would forget them, and give them up to Confusion; and these Men would help it on, if they should be suffered to proceed in

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in their Ways; that some Course must be thought on to curb and restrain, or we should be ruined by them.

UPON this, Mr. *Whitlock* prudently put in, That they had acknowledged them the Supreme Power, and taken their Commissions and Authority in the highest Concernments from them, and how to restrain and curb them after that, it would be hard to find out a Way for it.

THIS bringing *Cromwell* to unbosom himself, and to say, 'What if a Man should take upon him to be King? *Whitlock* answered, He thought, that Remedy would be worse than the Disease: *Cromwell* asking, Why he thought so? As to your own Person, said he, the Title of *King* would be of no Advantage, because you have the full Kingly Power in you already concerning the Militia, as you are General. As to the Nomination of Civil Officers, those whom you think fittest are seldom refused; and although you have no Negative Vote in the passing of Laws, yet what you dislike will not easily be carried; and the Taxes are already settled, and in your Power to dispose of the Money raised: And as to Foreign Affairs, though the ceremonial Application be made to the Parliament, yet the Expectation of good or bad Success in it is from your Excellency, and particular Solicitations of Foreign Ministers are made to you only; so that I apprehend indeed less Envy and Danger, and Pomp, but not less Power and real Opportunities of doing Good in your being General, then would be if you had assumed the Title of King.

H A V I N G

HAVING proceeded thus far, *Cromwell* rejoyn'd, ' That he had heard some of his Profession observe, That he who was actually King, (whether by Election or Descent) yet being once King, all Acts done by him as King was lawful and justifiable, as by any King who had the Crown by Inheritance from his Forefathers; and that by an Act of Parliament, in *Henry VII.*'s Time, it was safer for those who acted under a King, (let his Title be what it would) than for those who acted under any other Power: And that surely the Power of a King was so great and high, and so universally understood and revered by the People of this Nation, that the Title of it might not only indemnifie in a great Measure those that acted under it, but likewise be of great Use and Advantage, in such Times as these, to curb the Insolencies of those whom the present Powers could not controul, or at least such as were the Persons themselves who were thus insolent.

WHITLOCK agreed in the general with what he was pleased to observe, as to the Title of King; but whether for his Excellency to take this Title upon him, as Things then stood, would be for the Good and Advantage either of himself or his Friends, or of the Commonwealth, he very much doubted, notwithstanding that Act of Parliament, in *Hen. VII.* which would be little regarded or observed to them by their Enemies, if they should come to have the Upper-hand of them.

CROMWELL then asking, ' What he apprehended would be the Danger of taking this Title ?

WHITLOCK

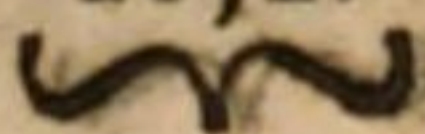
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WHITLOCK thought the Danger would be this: 'One of the main Points of Controversie betwixt them and their Adversaries was, Whether the Government of the Nation should be established in a Monarchy, or in a Free State or Commonwealth; that most of their Friends had engaged with them upon the Hopes of having the Government settled in a Free State, and, to effect that, had undergone all their Hazards and Difficulties: They being persuaded (though he thought much mistaken) that under the Government of a Commonwealth they should enjoy more Liberty and Right, both as to their Spiritual and Civil Concernments, than they should under Monarchy, the Pressures and Dislike whereof were so fresh in their Memories and Sufferings. That now if his Excellency should take upon him the Title of King, the State of his Case would be thereby wholly determined, and Monarchy established in his Person; and the Question would be no more, Whether the Government should be by a Monarch, or by a Free State; but, Whether Cromwell or Stuart should be our King and Monarch? And that Question, wherein before so many great Parties of the Nation were engaged, and which was Universal, would by that Means become, in effect, a private Controversie only; that before, it was National what kind of Government they should have; but now it would become Particular, who should be our Governour, Whether one of the Family of the Stuarts, or of the Family of the Cromwells?

THUS

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‘ THUS the State of their Controverſie
‘ being totally changed, all thoſe who were
‘ for a Commonwealth (and they were a
‘ very great and conſiderable Party) having
‘ their Hopes therein fruſtrated, would De-
‘ ſert them, their Hands would be weaken’d,
‘ and his Intereſt weaken’d, and our Cauſe
‘ in apparent Danger to be ruined.

‘ CROMWELL confeſs’d, ‘ He ſpoke Reason in
‘ that ; But what other Thing could he pro-
‘ poſe, that could obviate the preſent Dan-
‘ gers and Difficulties wherein they were all
‘ engaged ?

‘ WHITLOCK ſaid, ‘ It would be the greateſt
‘ Difficulty to find out ſuch an Expedient ;
‘ that he had had many Things in his pri-
‘ vate Thoughts upon that Buſineſs, ſome of
‘ which, perhaps, were not fit or ſafe for him
‘ to Communicate.

‘ CROMWELL gave him all the Affurance
‘ imaginable he might truſt him with them ;
‘ there ſhould no Prejudice come to him by
‘ any private Diſcourſe betwixt them ; he
‘ ſhould never betray his Friend, he might
‘ be as free with him as with his own Heart,
‘ and ſhould never ſuffer by it.

‘ WHITLOCK ſaid, He made no Scruple to
‘ put his Life and Fortune in his Excellency’s
‘ Hand, and ſo he ſhould if he imparted thoſe
‘ Fancies to him, which were weak, and,
‘ perhaps, might prove offensive to his Ex-
‘ cellency ; therefore his beſt Way would be
‘ to ſmother them.

‘ THIS made Cromwell in a ſtill more
‘ familiar manner to importune him to let
‘ him know them, be they what they would
‘ they could not be offensive to him, but he
‘ ſhould take it kindly from him ; therefore
‘ he

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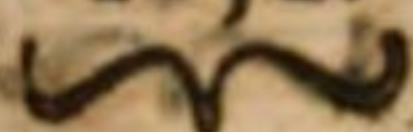
‘ he pray’d him not to conceal these Things
 ‘ of his from his faithful Friend.

WHITLOCK having told his Excellency, That
 ‘ he honour’d him with a Title far above
 ‘ him; but that since he was pleased to
 ‘ command it, he should discover to him
 ‘ his Thoughts herein; and humbly desired
 ‘ him not take it in ill Part what he should
 ‘ say to him. Then he proceeded in this
 ‘ manner:

‘ *GIVE* me leave then first to consider your
 ‘ Excellency’s Condition; you are environ’d
 ‘ with Secret Enemies, upon your subduing
 ‘ of the Publick Enemy: The Officers of
 ‘ your Army account themselves all Victors,
 ‘ and to have an equal Share in the Conquest
 ‘ with you. The Success which God hath
 ‘ given us hath not a little elated their
 ‘ Minds, and many of them are busie, and
 ‘ of turbulent Spirits, and are not without
 ‘ their Designs, how they might dismount
 ‘ your Excellency, and some of themselves
 ‘ get up into the Saddle; how they may
 ‘ bring you down, and set up themselves.
 ‘ They want not Counsel and Incourage-
 ‘ ment herein, it may be from some Mem-
 ‘ bers of the Parliament, who may be jea-
 ‘ lous of your Power and Greatness, lest
 ‘ you should grow too high for them, and
 ‘ in time Over-master them; and they will
 ‘ plot to bring you down first, or to clip
 ‘ your Wings.

‘ *CROMWELL* thank’d him, that he had so
 ‘ fully consider’d his Condition; that it was a
 ‘ Testimony of his Love to him, and Care
 ‘ of him; and he had rightly considered it;
 ‘ and he might say without Vanity, in his
 ‘ Condition, *Whitlock* was involved, and all
 ‘ their

1652.



their Friends; and those that plotted his Ruine, would hardly bear the other's continuance in any Condition worthy of himself: Besides this, the Cause it self might possibly receive some Disadvantage by the Strugglings and Contentions among themselves. But then he ask'd him, What were his Thoughts for the Prevention of those Mischiefs that hung over their Heads?

WHITLOCK replied, 'Pardon me, Sir, in the next Place, a little to consider the Condition of the King of *Scots*, (by whom was meant King *Charles II.*) This Prince being now, by your Valour, and the Success which God hath given to the Parliament, and to the Army under your Command, reduced into a very low Condition; both he, and all about him, cannot but be very inclineable to hearken to any Terms, whereby their lost Hopes may be revived of his being restored to the Crown, and they to their Fortunes, and Native Country. By a private Treaty with him, you may secure your Self and your Friends, and their Fortunes, you may make your Self and your Posterity as great and permanent to all humane Probability, as ever any Subject was, and provide for your Friends. You may put such Limits to Monarchical Power, as will secure our Spiritual and Civil Liberties; and you may secure the Cause in which we are all engaged; and this may be effectually done, by having the Power of the Militia continued in your Self, and whom you shall agree upon after you.

1652. **W** 'I propose therefore to your Excellency,
 ' to send to the King of *Scots*, and to make
 ' a private Treaty with him for this Purpose:
 ' And I beseech you to Pardon what I have
 ' said upon the Occasion; it is out of my
 ' Affection and Service to your Excellency,
 ' and to all honest Men; and I humbly pray
 ' you not to have any Jealousie there-
 ' upon of my approved Faithfulness to
 ' your Excellency, and to this Common-
 ' wealth.

CROMWELL having answered, 'He had not
 ' the least Distrust of *Whitlock's* Fidelity and
 ' Friendship," brake off the Discourse, by
 referring it to another Time: However, tho'
 perhaps there never was any Man more a
 Master of the Art of Dissembling than him-
 self, he could not at this Time so regulate
 his Carriage and Countenance, but that they
 discovered some Signs of Displeasure with
 what had been said; tho' he never ob-
 jected it against *Whitlock* in any publick
 Meeting afterwards, only his Carriage to-
 wards him from thence forward was altered;
 Neither did he consult with him as frequent-
 ly and intimately as before: Neither was
 it long after, that he found an Opportu-
 nity, under the Coverture of an honour-
 able Employment, to send him out of
 the Way, as some of his nighest Relations,
 and particularly his Daughter *Cleypole*, con-
 fessed, that he might be no Let nor Im-
 pediment to his own Ambitious Designs,
 which he was now hastening to put in
 Execution.

FOR

*
* *

FOR in April this Year, there was a great Assembly held at his Lodgings in *Whitehall*, the same consisting of Members of Parliament, and several Officers of the Army, appointed to be there on purpose, where there was a long Debate held concerning some Expedient to be found, for upholding the Government in the Form of a Republick, and putting a Period to the Sitting of the present Parliament. Several were of Opinion, it would be of dangerous Consequence to dissolve that Parliament, and to set up any other Government; that the same was neither consonant to their Prudence, nor justifiable in their Consciences, concerning which none expressed themselves so freely as my Lord Commissioner *Whitlock* and Sir *Thomas Widdrington*. 1653.

BUT others, and especially the Officers of the Army, were very violently intent to put a Period to the Parliament, the better to make Way for advancing themselves into the Civil Government, as they were already possessed of the Military Power; nay, some of them having given it as their Opinions, That it would be necessary one Way or other to make this Change, and that the Members of Parliament should not be allowed to prolong their own Power: *Cromwell* seemed to reprove them for those Expressions. The Conference lasted till late at Night, when my Lord Commissioner *Whitlock* went home weary, and much troubled in his Mind, to see the Indiscretion and Ingratitude of those Men, and the Way they design'd to take to Ruine themselves.

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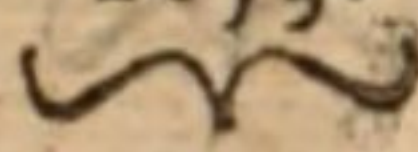
T H E R E

1653.

THERE was a Point again started, which had been debated the preceding Night, 'Whether the Parliament should nominate Forty Persons, or about such a Number of their own Members and of the Officers of the Army, and impower them to manage the Affairs of the Republick, till a new Parliament should meet; and that the present One should forthwith be dissolved.' My Lord Commissioner *Whitlock* was very much against this Proposal, and the rather, lest he himself should be One of that Number, who he thought must be in a desperate Condition after the Dissolution of the Parliament: But others were very Ambitious to be of that Number and Council, and to be invested with that exorbitant Power; while *Cromwell*, on his Part, thinking it to be too great an Honour for the Parliament to put a Period to their own Sitting, did it for them, in such an imperious and frantick Manner, as astonished not only themselves, but all the World round them.

Cromwell having proceeded thus far; one of the next Things he and his Council of Officers was to do, was to satisfy the People, in a Declaration, of the Grounds and Reasons of Dissolving the late Parliament; and to require all Persons in Civil Offices to proceed as formerly in the Execution of them, and all Persons to give Obedience to them. The Lord Commissioner *Whitlock* and his Colleagues were in a great Quandary what to do, till this Declaration came out, and did not then proceed in the Business of the

the Great Seal; but then considering, that they had their Authority from the Parliament, they went on as usual.

1653.


IN the mean time, *Oliver*, and his Council, having thought it expedient to Summon a certain Number of Men out of each County, and of his own Nomination, to meet and transact Business as a Parliament: They soon began, among other Things, to cut short the Work of Mr. *Whitlock* and his Companions, as Commissioners of the Great Seal: For on the 5th of *August*, after a long Debate, they voted, That the Court of *Chancery* should be taken away, and that the Committee for Law should bring in an Act accordingly, and another for the Causes then depending, and for future Relief in Equity: About Six Weeks after, they likewise ordered there should be a Suspension of Hearing Causes for a Month in *Chancery*.

HOW averse soever Mr. *Whitlock* seemed to be to the Vicissitudes of the Times, and the Irregularity of the Government; yet being once in, it was a very difficult Matter to get cleverly out again; so that being about this time nominated to go Ambassador to the Queen of *Swedeland*, he did perhaps the more readily accept of that Employment, lest he should some Way or other become more involved in Domestick Revolutions than ever yet he had been. Having received his Commission and Instructions for that Court, from the Hands of Mr. *Rouse*, now Speaker in the House of Parliament, he set out on the 2d of *November*, with a very gallant Retinue, from *London* to *Gravesend*, to take Shipping there. Captain *Welch* safely landed

1653.

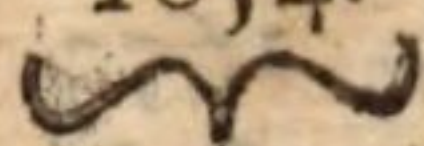
him at *Gottenburg* ; after which, having taken Two Dutch Ships riding in the Road, one of Four hundred, and the other of Three hundred and fifty Tuns ; but being by a Storm forced to put in a little way within the Port of *Gottenburg*, yet without the Command of the Fort, the Lord Ambassador was earnestly pressed to send for the Captain, and to discharge the Prizes : But he prudently answer'd, ' That he conceived it to be a Matter not appertaining either to himself, or to the Queen's Officers, to meddle with ; and that he believed the Queen's Ports would not be deny'd to any *Englishman*, who had a Commission by Authority of Parliament, coming thither to shelter himself against Storms : That the Conflict had been upon the high Seas between the *English* and the *Dutch*, who were Enemies ; for which Reason his Excellency refused to do any thing in it. Now some of Captain *Welch* his Men going to *Gottenburg*, were stopp'd, and brought to be examined before the *Landshere*, who sent his Major to the Ambassador, to know, Whether he would own the Captain ? Who sending an Answer, That he did own him as one that had a Commission by Authority of Parliament, and one of his Convoy, the Men thereupon were dismiss'd.

MY Lord Ambassador was scarce arrived in *Sweden*, before he had the News of the Parliament's resigning their Power to *Oliver*, and of his assuming the Supream Dictatorship of all Things in *England*, by the Title of *Lord Protector* ; so that all Application
and

and Addrefs were now to be made to him. 1653.
 Mr. *Whitlock* over-looking the monstrous
 Change, proceeded vigorously in the Affairs
 of his Ambassy, made an excellent Speech
 to her Majesty Queen *Christina*, who enter-
 tain'd my Lord Ambassador with a very ex-
 traordinary Reception, shew'd her Favours
 to his Sons, and some of his Gentlemen;
 and her Majesty's Ministers express'd more
 than ordinary Civilities towards himself.
 The *Spaniards* and the *English* being hitherto
 at good Terms, and continuing to Traffick
 one with another, the Lord Ambassador sent
 to visit the *Spanish* Resident at *Stockholm*, who
 soon return'd it: An Account of all which,
 as well as of his private Audience of the
 Queen, and of the Visits he received from
 great Men in this Country, he transmitted
 to the Protector.

THE Lord Ambassador had all the Suc- 1654.
 cess in his Negotiation with the Queen that
 he could well wish for; only her Majesty,
 and the Chancellor *Oxenstern*, were very de-
 sirous to see what would be the Issue of the
 Treaty between *England* and *Holland*, (for
 there had been a great Naval War between
 the Two Nations, wherein the latter was se-
 verely beaten, and earnestly sued for Peace)
 before they could come to a final Determi-
 nation of Matters with him. In the mean
 while, the Ambassador was in frequent Con-
 ference with the old Chancellor, and was
 highly respected both by the Queen and
 him.

1654.



NOW the Form of the Government being changed in *England*, it was necessary there should be a new Commission for the Great Seal; Mr. *Lisle* and Sir *Thomas Widdrington* were sworn Lords Commissioners of it in *March*, before the Lord Protector and his Council: And the Lord Protector being willing to oblige Mr. *Whitlock*, and to shew him, at least outwardly, all seeming Regard, he declared him, tho' at present absent in *Sweden*, to be the other of them.

ON the other side, the Lord Ambassador pressed very much to have his Business concluded on before the Queen resigned her Crown, which she was about to do to her Cousin *Charles Gustavus*; and about the beginning of *May*, he happily finished his Negotiation, by concluding a firm Alliance with that Crown.

THE Lord Ambassador was in such great Favour and Esteem with Queen *Christina*, that she was pleased to make him a Knight of the honourable Order of *Amarantha*, of which she her self was Sovereign, and wore the Badge thereof, which was a rich Jewel, tied to a Crimson Ribon, under her left Breast.

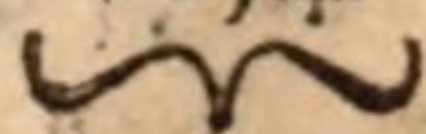
THE Lord Ambassador *Whitlock* being happily arrived in *England* on the 6th of *July*, gave an Account to the Protector and his Council of his Ambassy to *Sweden*, and other Transactions and Adventures he met with in the following curious Speech.

May

May it please your Highness,

‘I ATTEND, by your Command, to give
an Account of the Discharge of that great
Trust and weighty Burden, which (through
the Assistance of God) I have undergone
in my Employment to *Sweden*, with the
Success of that Negociation, wherein I shall
not waste much of your Time, for which
you have other great Affairs; but, in as few
Words as I can, I shall with Clearness and
Truth acquaint your Highness, and this
honourable Council, with those Matters
which I apprehend most fit and worthy of
your Knowledge. After my Receipt of
my Commission and Instruction from the
Parliament then sitting, to go Ambassador
unto *Sweden*, I neglected no Time, how
unseasonable soever, to transport my self
unto that Country. Upon the 5th of *Nov-*
ember I embarked at the *Hope*, and after 10
Days Voyage, through many Storms, Ene-
mies and Dangers, it pleased God, on the
15th of *November*, to bring me in Safety,
with all my Company, into the Port of
Gottenburg. The next Day I dispatched
two of my Servants to the Court, with Let-
ters to Prince *Adolphe*, the Grand-Master,
and to the Ricks-Chancellor of *Sweden*, to
advertise them with my Arrival, and desire
their Advice, whither I was to direct my
Journey to attend the Queen. In the City
I received many Civilities and Testimonies
of Respect to the Commonwealth, from
the Magistrates, Officers and others there;
and a small Contest I had with a *Dutchman*,
a Vice-Admiral of Her Majesty’s, about
our War with his Country-men, and about

1654.



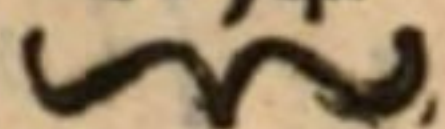
' some Prizes brought in by me ; wherein I
 ' took the Liberty to justify the Proceedings
 ' of this State, and, after Submission, I or-
 ' dered the Release of a small *Dutch* Prize
 ' taken by one of my Ships. Having re-
 ' freshed my self and Company some Days
 ' in this Place, I began my Land-Journey
 ' the last Day of *November* ; the Military-
 ' Officers accompanied me out of Town, the
 ' Citizens and Garison-Soldiers stood to their
 ' Arms, and with many Vollies of great and
 ' small Shot, the Bullets making somewhat
 ' too near Compliments, gave me an ho-
 ' nourable Farewel. In our Journey we
 ' met with extream Hardships, both in the
 ' Weather and want of necessary Accommo-
 ' dations. In the greater Towns where we
 ' quartered, the Magistrates and Officers
 ' shewed great Respect to our Common-
 ' wealth ; only in one Town, a little Affront
 ' was given in Words by a *Prætor*, who ac-
 ' knowledged his Fault ; and it appeared to
 ' proceed more from Drink than Judgment.

' I N all Places, the Officers took great
 ' Care to furnish me with what the Country
 ' would afford, which I wanted ; the Ways
 ' were repaired, the Wagons and Horses
 ' brought in, and all done that could be by
 ' the Special Command of Her Majesty.

' A F T E R 21 Days in our Land-Jour-
 ' ney, near 400 Miles from *Gottenburg* up in-
 ' to the Country, in that Climate, in *Decem-*
 ' *ber*, through all our Difficulties, it pleased
 ' God to bring us safe to *Upsale* upon the
 ' 20th of *December*.

' A B O U T half a League from the
 ' Town, the Master of the Ceremonies and
 ' two of his Ricks Senators, with the Queen's
 ' Coaches,

1654.



Coaches, the *Spanish* Residents, and divers of the Great Officers, met me, and with more than ordinary Ceremonies conducted me to an House in the Town, by the Queen's Order taken and furnished for me. Divers Compliments passed from the Queen Her self, and many in that Court, expressing much Respect to this Commonwealth in the Person of your Servant.

BY Favour I obtained my first Audience from the Queen on the 23d of *December*; the particular Passages whereof, as of most other Matters which I have to mention, were in my Letters I imparted, as they fell out, to Mr. Secretary *Thurloe*, and by him, I presume, unto your Highness and the Council.

TWO or three Days after this, I procur'd a private Audience from Her Majesty, when I shewed Her my Commission, and appointed to wait on Her again with my Proposals. The *Spanish* Resident, Don *Piementel*, expressed very high Respect to this Commonwealth, and particular Affection to me, who knowing his great Favour with the Queen, I contracted an Intimacy of Friendship with him: I had the like with Monsieur *Woodfeldt*, the King of *Denmark's* Brother-in-law; and grew in good Acquaintance with *Grave Wrangel*, *Grave Tot* the Queen's Favourite, *Grave Leonbagh*, Baron *Bond*, Baron *Vanderlin*, and several other Senators and Great Men; especially I got into the Favour and Affection of the old Chancellor, Monsieur *Lagerfeldt*, Secretary *Constertain*, Monsieur *Ravins*, and several others, who were useful to me; and of my Country-men, I had the Assistance of General-Major

1654.

' some Prizes brought in
 ' took the Liberty to just
 ' of this State, and, aft^r
 ' dered the Release o
 ' taken by one of
 ' refreshed my self a
 ' in this Place, I
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 ' e the best Answers I could, That her
 Kingdom could not continue long in Peace,
 ' and would have as much need of our As-
 ' sistance, as we of theirs ; and our War and
 ' Success against *Holland* was an Argument,
 ' That our Friendship merited Acceptance ;
 ' That I hope our Commonwealth was now
 ' settled ; yet that *Leagues were between Na-*
 ' *tions, not Governments.* This Debate was
 ' very large with her Majesty, who seemed
 ' to be satisfied with my Answers, and ap-
 ' pointed her *Chancellor* to treat with me, who
 ' much more insisted on the Unsettleness of
 ' our Commonwealth, and the Objections
 ' that the Queen had made ; to whom I gave
 ' the same Answer ; and they proved much
 ' the more Satisfactory, after they received
 ' the News of your Highness's Accession to
 ' the Government, which made the Wheels
 ' of this Treaty move the more freely. I had
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' Servant of Eng-
 ' Colonel *Hamble-*
 ' *Bloome*, and some
 ' ance. Having
 ' ne Account
 ' Matter of
 ' Persons
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 ' Que

' agic
 ' eness of our
 ' ace of her Kingdoms,

' War ; which arose up-

' to her all my Articles at

' Three reserved : The Articles

' a League offensive and defensive,

' enforced the Objection ; to which I

' e the best Answers I could, That her

Kingdom could not continue long in Peace,

' and would have as much need of our As-

' sistance, as we of theirs ; and our War and

' Success against *Holland* was an Argument,

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1654.

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the Queen and her Chancellor did inge-
nuously acknowledge, That they desired
first to know, whether the Peace should be
made between us and *Holland*, before they
came to a Determination upon the Treaty
with me? I could not but apprehend Reason
therein; and as soon as the News came, that
the Peace between your Highness and the
Dutch was concluded, I urged a Conclu-
sion of my Treaty; and what the Chan-
cellor and I differed in, the Queen her self
was pleased to reconcile; and so we came
to the full Agreement contained in this In-
strument, signed and sealed by the Queen's
Commissioners, which I humbly present
unto your Highness and this honourable
Board, and which I hope, through the
Goodness of God, may be of Advantage
to this Commonwealth, and to the Prote-
stant Interest in *Christendom*. I cannot but
acknowledge the great Goodness of God to
me in this Transaction, in my Preservation
from

1654.



Major *Fleetwood*, a faithful Servant of *England*; and my noble Friend Colonel *Hambleton*, the Lord *Douglas*, Mr. *Bloome*, and some others, gave me their Assistance. Having thus given your Highness some Account of Persons, I come now to the Matter of my Negotiation, wherein these Persons were exceedingly useful. By *Piementel's* Advice I made my Applications to the Queen, upon her personal Determination, which she liked, and proved very advantageous: She herself objected, *the Unsettleness of our Commonwealth, the present Peace of her Kingdoms, and we involved in a War*; which arose upon my presenting to her all my Articles at once, except Three reserved: The Articles proposed a League offensive and defensive, which inforced the Objection; to which I gave the best Answers I could, That her Kingdom could not continue long in Peace, and would have as much need of our Assistance, as we of theirs; and our War and Success against *Holland* was an Argument, That our Friendship merited Acceptance; That I hope our Commonwealth was now settled; yet that *Leagues were between Nations, not Governments*. This Debate was very large with her Majesty, who seemed to be satisfied with my Answers, and appointed her *Chancellor* to treat with me, who much more insisted on the Unsettleness of our Commonwealth, and the Objections that the Queen had made; to whom I gave the same Answer; and they proved much the more Satisfactory, after they received the News of your Highness's Accession to the Government, which made the Wheels of this Treaty move the more freely. I had often

often and long Disputes with the Chancellor, upon the Article touching *English* Rebels not to be harboured in *Sweden*; most of all touching *Contraband* Goods, and about repairing the Losses of *Swedes* taken Prizes in our War with the *Dutch*; besides many other Objections, whereof I have formerly given a particular Account. The Chancellor being sick, his Son, *Grave Erick*, was commissioned to treat with me in his Father's Stead, and was much more averse to my Business, and more earnest upon the Objections, than the old Man; who being recovered, I found him the more moderate, yet we could not agree one way or other; and when I press'd for a Conclusion, both the Queen and her Chancellor did ingenuously acknowledge, That they desired first to know, whether the Peace should be made between us and *Holland*, before they came to a Determination upon the Treaty with me? I could not but apprehend Reason therein; and as soon as the News came, that the Peace between your Highness and the *Dutch* was concluded, I urged a Conclusion of my Treaty; and what the Chancellor and I differed in, the Queen her self was pleased to reconcile; and so we came to the full Agreement contained in this Instrument, signed and sealed by the Queen's Commissioners, which I humbly present unto your Highness and this honourable Board, and which I hope, through the Goodness of God, may be of Advantage to this Commonwealth, and to the Protestant Interest in *Christendom*. I cannot but acknowledge the great Goodness of God to me in this Transaction, in my Preservation
from

1654.

‘from Attempts against my Person, raising
 ‘me up such Eminent Friends, giving me so
 ‘much Favour in the Eyes of Strangers, and
 ‘giving this Success unto my Business, not-
 ‘withstanding the Designs and Labours of
 ‘the Enemies of this Commonwealth to the
 ‘contrary.

‘THE Treaty with me being thus fini-
 ‘shed, the Business came on of the Queen’s
 ‘Resignation of the Crown, wherein she was
 ‘pleased to express a wonderful Confidence
 ‘in a Stranger, by imparting it to me many
 ‘Weeks before; whereof I took the Bold-
 ‘ness to certify your Highness: The Prince,
 ‘who was to succeed the Queen, was sent
 ‘for to *Upsale*, and their *Ricks-Dagh*, or *Par-*
 ‘liament, was to meet him there in the Be-
 ‘ginning of *May*.

‘YOUR Highness will believe, that your
 ‘Servant had a longing Desire of returning,
 ‘and had Advice, that your Frigats were in
 ‘the *Elbe* staying for him; yet judging it
 ‘might conduce to your Service to salute the
 ‘Prince, and have his Approbation of this
 ‘Treaty, I stay’d till his Entry, which was in
 ‘great State, into *Upsale*, where I saluted
 ‘him from your Highness, and acquainted
 ‘him with my Negotiation, which he well
 ‘approved.

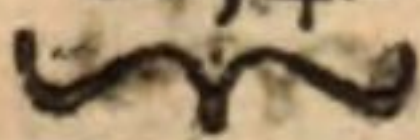
‘AND, to testify his great Respect to
 ‘your Highness and this Commonwealth, he
 ‘came in Person to visit me at my House,
 ‘and used such extraordinary Ceremonies
 ‘and Favours towards me, as never the like
 ‘had been done by him to any Ambassador
 ‘before. We had several Conferences at
 ‘large, and much Discourse of your High-
 ‘ness and this Commonwealth; the Particu-
 lars

lars whereof, I shall acquaint you with a better Leisure. 1654.

THE Time of the Queen's Resignation being near, I thought it not convenient for me to be upon the Place at the Time of it; but removed with my Company into *Stockholm*, where I was when the Resignation was with great Solemnity executed.

THE Magistrates of this City expressed good Respect to your Highness and this Commonwealth with their Civilities to your Servant; from whence I embarked the first of *June*, in a good Ship of the Queen's, to cross the *Baltick* Sea: She sent one of the Vice-Admirals to attend me; and after the Hazards, Voyage, and bad Weather, the Lord gave us a safe Arrival at *Lubeck* the 7th of *June*: There some of the Magistrates, with their *Sindick*, bid me welcome to their City, and expressed good Affection to your Highness, and made some Requests by me to this State. From thence I travelled over *Holstein* and *Lunenburg*, and came on the 10th of *June* to *Hamburgh*, where I was also saluted by the *Sindick*, and some of the Magistrates, and most of them afterwards came to me, and indeed they testified an extraordinary Respect and Service to your Highness and this Commonwealth.

MY Country-men, the Company of Merchant-Adventurers there, shewed much Kindness to me, and lodged me in their House; and principally Mr. *Bradshaw*, your Highness's Resident there. I departed from thence the 17th of *June*, and embarked in your Highness's Frigats near *Gluckstadt*: We were

1654.


‘ were detained for some Days in the *Elbe*
 ‘ by cross Winds, and in some Danger;
 ‘ but more when we came into the open Sea:
 ‘ And above all, the Lord was pleased to ap-
 ‘ pear for us on the 28th of *June*, when our
 ‘ Ship stuck upon the Sands about Twelve
 ‘ Leagues off from the Coast of *Yarmouth*,
 ‘ and when there was no Help or Means of
 ‘ Men left for our Escape; but we expected
 ‘ every Moment to be devoured by the Waves:
 ‘ Then it pleased our God to shew his Power
 ‘ and Free Mercy by his own Hand to de-
 ‘ liver us, and after Two Hours expectation
 ‘ of Death, to reprieve us, and to set our
 ‘ Ship on float again, and to bring us all
 ‘ in Health and Safety unto your Highness’s
 ‘ Presence, and to our dear Country and
 ‘ Relations.

‘ THE Queen and the now King were
 ‘ pleased to Honour me with their Pictures,
 ‘ set with Diamonds; and in Recompence of
 ‘ my Horses, I received a Present of Cop-
 ‘ per from her Majesty, having refused to
 ‘ sell them, as a Thing uncomely for my
 ‘ Condition in the Service of this Common-
 ‘ wealth.

‘ THUS, Sir, I have given you a full
 ‘ Account of my Transaction: As I must ju-
 ‘ stifie my Diligence and Faithfulness there-
 ‘ in; so I cannot but condemn my many
 ‘ Weaknesses and Failings, for which I can
 ‘ only say, they were not willful, and
 ‘ make an humble Demand to your Highness,
 ‘ and this honourable Council, that I may
 ‘ obtain your Pardon.

Mr. WHITLOCK

Mr. *WHITLOCK* was always allowed, even by some of the fiercest of the Cavalier's Party, to be a Man of a plain Nature and Temper; and indeed, he has manifested it upon divers Occasions, and in nothing more than his frank Dealing and Discourse with *Cromwell* about the Change of the Government; and yet I know not how it comes to pass, he seems to have a better Understanding with, and Opinion of the Government of the Protector, than could have been expected: Perhaps, after some mature Deliberation, he liked it the more, as it came nearer to our Ancient Form, than the last Administration: Be it as it will, discerning *Cromwell* too well knew the Value and Abilities of the Man, to slight him; and the other, his Interest and Security, too much, to turn open Male-content. The first Lord Commissioner of the Great Seal he still was, with Mr. *Lisle* and Sir *Thomas Widdrington*, and all Three of them at this time, together with the Chief Justices, *Rolls* and *St. Johns*, Colonel *Sydenham*, Colonel *Montague*, and Mr. *Masbam*, were made Commissioners of the *Exchequer*.

BUT to let these Things pass, *Cromwell* supposing it to be his Interest to call a Parliament, to convene on the 4th of *August*, Mr. *Whitlock* carried the Purse before him that Day: And when the Parliament, Two Days after, took the Lord Protector's Speech to them into Consideration; and that, among other Particulars, the Foreign Negotiations were mentioned, more especially that of *Sweden*; Mr. *Whitlock* took the Hint, and gave the Parliament a more ample Relation of it than he had done before to the Protector; and the same containing also many
curious

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W

curious Observations concerning the Laws, Religion, Military and Naval Strength of that Country, it may very well be allowed a Place here, and is as follows.

Mr. Speaker,

‘ I HELD it my Duty, though the present Occasion had not been offered, to give a clear Account to this honourable House of that Negociation, wherein I had the Honour to Serve the Commonwealth lately in *Swedeland*, with the general Transactions and Issue thereof; and the Respects testified to this Commonwealth in those Places, and by those Princes and States, where I had Occasion to be during this my Employment, that you may judge of the Success and Advantages thereof.

‘ I SHALL not mention the great Difficulties and Opposition which I met with from some in that Court, and from the *Danish* and *Dutch* Publick Ministers, and Party there, whose high Interest it was to hinder your Alliance with that Crown.

‘ NEITHER shall I particularly insist upon, and acquaint you with, the great Dangers both by Sea and Land, through which it pleased God to bring me, and to preserve me, lest I should seem to magnifie that which was but my Duty to undergo any Hazards or Perils for your Service.

‘ ONLY, Sir, You will give me Leave not to forget the Goodness of God to me, and my Company, in our great Deliverances, which the Lord was pleased to vouchsafe to us; and which I hold my self obliged to remember, with all Thankful-

* * *

ness,

ness, to his immediate Hand of Goodness
to us.

SIR, Your Servants had extraordinary
Respects and Civility manifested to them,
both by the Officers and People of that
Country in their long Journey, and upon
their safe Arrival at the Court at *Upsall* by
all sorts of People of inferior Rank, and
of the greatest Ones; and by the greatest
of them, the Prince *Heretier*, and the Queen
her self, who sought to make appear her
Affection and Regard to this Nation, by
her Favours to your Servant; which did
much exceed those which she usually al-
lows to others of the like Condition.

IN our Ceremonies, wherein that Na-
tion are very punctual, I confess, I was
somewhat Refractory to their Expectations,
out of my Zeal to keep up the Honour of
my Nation, and even those Things have
such a Signification in such Affairs; but
they were well pass'd over: And then we
fell to our Business; wherein I found those,
with whom I discoursed and treated, to
be full of Experience, Abilities and Wis-
dom; and some of them full of Subtilty,
and too much inclining to use Delays for
their particular Advantage; which you
will pardon those to take the more notice
of, who were at so great a Distance from
their Country and Relations. I thought it
behoved me, for the Service of my Coun-
try, and the better Performance of the
Trust at that time reposed in me, to Ac-
quaint my self, by the best Means I could,
with the Nature of the People, their Go-
vernment, the Quality of their Governors,
N their

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‘ their Religion, Strength and Trade, and
 ‘ other Matters relating to them.

‘ THIS I did, not only by studying of
 ‘ Books, but of Men also, in the Conver-
 ‘ sation and Treaties which I had with them;
 ‘ and wherein I endeavoured to gain Infor-
 ‘ mation of these Things from them, added
 ‘ to my own Observation on the Place.

‘ I found the People hardy and stout, and
 ‘ more inured to it by the sharpness of their
 ‘ Climate, which renders them the more
 ‘ able for Military Service.

‘ THEY are obedient to their Rulers;
 ‘ but among their Equals too much addicted
 ‘ to quarrelling and drinking, that ferments
 ‘ the other: They are yet very courteous
 ‘ to Strangers in their travelling and so-
 ‘ journings; not making a Prey of them, nor
 ‘ deceiving them, nor deriding them in their
 ‘ Ignorance of the Country or Language,
 ‘ but affording them all Accommodations for
 ‘ their Money, which they expect.

‘ THEIR Governours are wise, expert,
 ‘ and politick, keeping their Distance, and
 ‘ the Rules of Justice, but they will hardly
 ‘ pardon any Neglect; the Omission of a
 ‘ Ceremony, or not returning a Visit, is
 ‘ enough with some of them to break off a
 ‘ Treaty of the greatest Consequence.

‘ THEY practise much Delay, when they
 ‘ judge their Interest to require it; yet they
 ‘ observe honourably their Capitulation:
 ‘ And though both Rulers and People regard
 ‘ their particular Interest in the first Place;
 ‘ yet it is not with the excluding of Justice
 ‘ and Honesty.

‘ THEIR

‘ THEIR Government is by Municipal
‘ Laws and Customs, and by Acts of their
‘ Supream Counsel, which hath the Legisla-
‘ tive Power ; and is the same in effect, if
‘ not the Original of our Parliament : They
‘ have inferior and ordinary Courts of Ju-
‘ stice, not unlike to ours in many Particu-
‘ lars.

‘ THE King hath a great Power, and
‘ the Senators under him ; and by them the
‘ Affairs are managed.

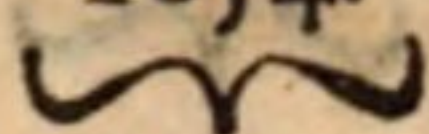
‘ THOUGH their Government have
‘ great Affinity with ours, yet their People
‘ do not enjoy the like Rights and Liberties,
‘ as (blessed be God) we do in *England* :
‘ They are in more Subjection to the Will of
‘ their Lords, and their Lords to the Will of
‘ their Superiors , though they have more
‘ Power over their Tenants and nearer
‘ Neighbours then the *English* have.

‘ THEIR Laws are clear and few, nor
‘ are they covetous to multiply them ; which
‘ they hold an Error in Government, and
‘ Cause of Contention ; nor do they allow
‘ Debates in Council of any other Matters,
‘ than what are proposed to them from the
‘ King.

‘ THE Paucity of the Law-Suits amongst
‘ them, is, Because of the Distribution of
‘ Estates by a Rule of Law to all Children,
‘ or Heirs, upon the Death of every An-
‘ cestor ; so they have seldom a Question
‘ upon any Will or Conveyance.

‘ AND by reason of the Smallness of
‘ their Trade, their Contracts are few, and
‘ consequently their Law-Suits ; nor will
‘ they afford Maintenance for a Profession
‘ of Lawyers, or Salaries for Officers : In

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‘ general, their Government is wise, just
‘ and peaceable.

‘ THEIR Religion is punctually *Luthe-*
‘ *ran*, both in Doctrine and Discipline ; and
‘ they are so severe in it, they will hardly
‘ admit a *Papist*, or a *Calvinist*, to live a-
‘ mong them, except in some Places, where
‘ they permit *Calvinists* to reside for Trade-
‘ sake.

‘ THEY have a Liturgy much to the
‘ same Effect, in Words and Ceremonies,
‘ with that which was in the *English Church* ;
‘ nor will they part with any of the Re-
‘ sponces, Ceremonies and Rites, extracted
‘ out of the *Mass-Book*, or with the Images
‘ in their Churches, though so little diffe-
‘ rent from those used in the Church of
‘ *Rome*.

‘ THEIR Bishops and Superintendants,
‘ who have the same Power, have the like
‘ Jurisdiction in Ecclesiastical, but not in
‘ Temporal Matters, as the *English Prelates*
‘ had ; so have their inferior (as they also
‘ call them) Spiritual Courts and Judica-
‘ tories.

‘ THEY allow but slender Maintenance
‘ to their Clergy : Their Metropolitan Arch-
‘ bishop of *Upsall* hath not above Two thou-
‘ sand Rixdollars, which is not Five hundred
‘ Pounds of Yearly Revenue ; and One
‘ hundred Rixdollars *per Annum* is an extra-
‘ ordinary Benefice. Their Diocesses and
‘ Parishes are very large, and Sermons are a
‘ Rarity in them ; but the Liturgy must not
‘ be omitted every Sunday, and their many
‘ Holidays.

‘ THEY

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‘THEY have a good Way upon every Avoidance to supply their Churches: The Inhabitants of every Parish where their Minister died, or is removed, do meet and choose Three Deacons, whom they present to the Bishop or Superintendant, who chooseth one of the Three, and ordains him a Priest, and institutes him with the Benefice that is void.

‘THEIR Strength is considerable, both at Land and at Sea: At Land, it consists chiefly in the Bodies of their Men, and their Arms and Fortifications: Their Men are strong, and the more inured to Hardships by the Coldness of the Climate; and to War, by their frequent Expeditions abroad; and they want no Courage nor Obedience to their Superiors.

‘THEIR Arms are made at home, as good and useful as any Country hath: They want not Materials of Copper, Steel and Iron, both for their greater and smaller Guns and Swords, and have skilful Workmen, and Store of Powder. Their Fortifications are not many, except in Frontier Towns and Havens; some whereof are strongly and regularly fortified, fully garrisoned, and provided with great Copper Guns upon their Works.

‘THEY have a standing Militia of Fifty thousand Men, Twelve thousand Horse, Thirty thousand Foot, and all these maintained at a very small Rate to the Crown, and with no Burthen to the Country; whereof I shall be ready to give you a particular Account when you shall Command it. These may be drawn together in Ten Days; and out of these they write forth Sol-

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diers upon any Foreign Design ; which Designation is wholly left to the respective Landlords, and gives them no small Awe and Subjection from their Tenants.

THEIR Strength by Sea surpasseth their Neighbours : They have many Ships which carry Eighty and some One hundred Copper Guns, well and substantially built ; but not after our excellent Way of Frigats, nor so nimble at Taking or Fighting, or the Chase, as our Men of War. They are not inferior in their Strength at Sea to any Prince or State in these Parts, except the *English*, and our Neighbours in the *Netherlands* : The greatest Defect and Want in their Naval Force, is as to the Number of their Ships and Mariners.

FOR their Trade, it is not great ; but they take a Course daily to Improve it ; They understand, better than they did formerly, the Conveniences and Advantages they have of Timber, Masts, and Building of their Ships, of Iron to fit them, of Copper for their Guns, of the Cheapness and Plenty of Pitch and Tar, necessary for them, and to be had in their own Country, and sufficient Cordage near them, with their good Harbours on both Sides the *Baltick* Sea, and at *Gottenburgh*. They are sensible, that the Increase of Trade increaseth their Mariners and Shipping, which increaseth their Trade ; and not only their Merchants, but their great Men, engage in a Way of Trade for the Incouragement of it, and finding the Sweetness and Profit in it.

THEY already send Ships, and plant in the *West-Indies*, and have began a Trade with

‘ with their Native Commodities to most
‘ Parts, where Trade is to be had, and will
‘ in short time become considerable for Trade;
‘ and the more by the Plenty of their Iron,
‘ Deal, Pitch, and Tar, which now they
‘ Export themselves; and know how neces-
‘ sary they are for other Nations, and how
‘ profitable it is for them to be their own
‘ Merchants.

‘ I HAVE thus, and weakly, given you
‘ Information of what I learned upon the
‘ Place, touching this Nation of the *Swedes*
‘ and *Goths*, in Relation to themselves.

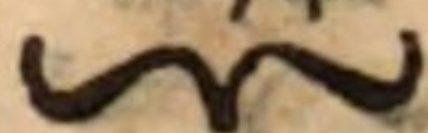
‘ GIVE me leave now, Sir, to acquaint
‘ you with what I observed concerning them,
‘ as they may have Relation to an Alliance
‘ with this Commonwealth; and to con-
‘ clude with an Account in general of my
‘ Negociation there, and with the Respects
‘ I met with to this Nation, both from them
‘ and others, whilst I was abroad.

‘ I LOOK upon them, as a Nation at a
‘ perfect Distance and Situation, to be the
‘ best Friends and Allies to you: They are
‘ neither so near to us, to cause Jealousies
‘ from us; nor so far distant, but that they
‘ may give a timely Assistance to us.

‘ THEY profess the same Protestant Re-
‘ ligion with us in the Fundamentals: They
‘ agree with us in their Aversness to Popery,
‘ and the Hierarchy of *Rome*; and are the
‘ more likely to keep a firmer Union with
‘ us.

‘ THERE is a great Similitude between
‘ their Manners, Laws, Language, and Dis-
‘ position of the People, and the *English*;
‘ and the like Gallantry of their Gentry and
‘ Soldiery; Industry of Merchants and Ar-

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‘ tificers, and Laboriousness of their Hus-
‘ bandmen. They are generally much like
‘ the *English* ; and the more likely to cor-
‘ respond and agree in Amity with us.

‘ T H E Y have store of Men, Arms, and
‘ Shipping. to join with us upon any Occa-
‘ sion ; and whereby both you and they may
‘ be strengthened against your Enemies, and
‘ be the more considerable throughout the
‘ World.

‘ T H E Y are Just and Faithful in their
‘ Actions and Undertakings, as the *English*
‘ are, and honourable in all Performances ;
‘ nor are they engaged to any of our Ene-
‘ mies, or such as you have Cause to suspect ;
‘ but their Differences and Contentions have
‘ rather been with those who have contended
‘ with you ; and therefore they are the more
‘ likely to observe their Alliance with you.

‘ T H E Y first sought to his Highness,
‘ and this Commonwealth, for an Amity
‘ with us, and sent several Persons of Ho-
‘ nour, as Publick Ministers, hither for that
‘ purpose ; and their Queen, and the pre-
‘ sent King, have testified great Affection to
‘ this Nation, and justly expected some Re-
‘ turn of it from you again.

‘ T H E S E, and many other Motives,
‘ grounded upon Reason and Wisdom of
‘ State, persuaded those, who sat at the Helm
‘ here, to judge it fit to send from hence an
‘ Ambassador to that Crown, to conclude an
‘ Amity with them, for the Advantage of
‘ Trade, and mutual Assistance from one
‘ another.

‘ H E R E I N their Judgment did not fail
‘ them : It was very requisite to send an
‘ Ambassador thither : But perhaps you may

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‘ see a Failure of their Judgment in the
‘ Choice of a Person so unfit for so weighty
‘ an Employment; yet they would not ex-
‘ cuse him. You will believe that he had no
‘ Ambition for such a Service, and at such a
‘ Time; but he obey’d the Commands of
‘ those whom he served, undertook the Im-
‘ ployment, and can say, without Vanity,
‘ performed his Duty therein to the utmost
‘ of his Capacity with Diligence and Faith-
‘ fulness; and God was pleased to own him
‘ in it. I pass over the dangerous Voyage
‘ by Sea in *November*, through your then
‘ Enemies, and the Journey by Land in *De-*
‘ *cember*, and come to the Court at *Upsall*,
‘ which was splendid and high; replenished
‘ not only with gallant Outsides, but with
‘ Persons of great Abilities within, both of
‘ the Civil and Military Condition.

‘ UPON my first Ignorance of their
‘ Ceremonies, I fell into some Dislike with
‘ several of their Grandees, who thought me
‘ not Submissive; others thought the better
‘ of me, for insisting upon the Right of my
‘ Nation, vindicating their Honour, and not
‘ sneaking to those with whom I had to do.
‘ I followed my own Reason, and what
‘ pleased God to direct me for your Service,
‘ and in order to the Good of the Protestant
‘ Interest.

‘ IN my Treaty, I applied my self upon
‘ all Occasions to the Queen her self, and
‘ never to the Senate, wherewith her Ma-
‘ jesty was not distasted. In the Transacti-
‘ ons of my Affairs, I endeavour’d to gain
‘ the best Intelligence I could from home,
‘ and from that Court; and spared no Cost
‘ to gain it: The one made me the more

‘ Con-

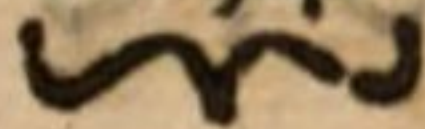
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‘ Considerable there ; the other was of great
 ‘ Advantage to me in my Negociation.

‘ BUT, Sir, I was to encounter with great
 ‘ Difficulties and Opposition : The King of
 ‘ *Denmark*’s Ambassador, the *Holland* Resi-
 ‘ dent, with all their Party and Friends,
 ‘ (some of the most Considerable in the Court
 ‘ and Army, and of great Numbers) op-
 ‘ posed me, and endeavoured to affront me
 ‘ and my Company, but by that were no
 ‘ Gainers : The *French*, *Polish*, and *German*
 ‘ Publick Ministers, as much as they could
 ‘ covertly, sought to hinder me ; but on
 ‘ the other side, I found the *Spanish* Publick
 ‘ Minister there (who was a Person of great
 ‘ Ingenuity, and much in Favour with the
 ‘ Queen) a great Friend and Assistant to me.
 ‘ Several great Officers of the Army, as
 ‘ *Wrangel*, *Grave Horn*, *Grave Whittemburgh*,
 ‘ *Grave Bannier*, *Grave Leenhough*, and di-
 ‘ vers others, were Friends to me ; and of
 ‘ the Civil Officers, and other Senators, the
 ‘ *Baron Bundt*, *Steinlorke*, *Grave Tot*, the *Rix*
 ‘ *Droit*, or Chief Justice, the *Grave Baghe*,
 ‘ and chiefly the old Chancellor *Oxensteirn*
 ‘ was my chief Friend and Helper in my
 ‘ Business.

‘ Prince *Adolphe*, the present King’s Bro-
 ‘ ther, was no Ill-Willer to it ; the King
 ‘ that now is a great Friend to it, and mani-
 ‘ fested more particular Respect to you in
 ‘ the Person of your Servant, than he was e-
 ‘ ver known to do to any of the like Quality,
 ‘ or to any State whatsoever : And the Queen
 ‘ her self was resolved to have the Business
 ‘ done, so much had I gained of her Favour,
 ‘ and satisfied her of your Interest and Re-
 ‘ spects to her.

‘ BUT



‘ B U T above all, some of my Country-
‘ men were fierce against me, especially
‘ those of the *Scotch* Nation, both of the Ar-
‘ my and Traders, whom I little considered,
‘ yet knew their Humours, and that they
‘ would rail at me in the Morning, and af-
‘ terwards come to my Table to Dinner;
‘ and I caused my Officers to welcome them
‘ accordingly. To Counterwork those, I
‘ was not without Friends of my own Na-
‘ tion, whereof divers were of the like Con-
‘ dition, and Eminent amongst them was
‘ General *Douglas*, a *Scotch* Gentleman, who
‘ was very civil to me.

‘ S O was a true *English* Gentleman, Ge-
‘ neral Major Sir *George Fleetwood*, a Person
‘ of great Interest and Respects in those
‘ Parts, and with all that knew him: He
‘ testified extraordinary Respects to you, and
‘ to your Servant, and was very courteous
‘ and helpful to me. Those who opposed or
‘ endeavoured to affront me in your Busi-
‘ ness, I forbear to name, not for their
‘ Sakes, but lest it might be Prejudicial to
‘ your Friends there, and to your own future
‘ Occasions.

‘ B U T, Sir, we ought to look higher,
‘ than to the greatest and wisest of Men:
‘ It was the Goodness and Mercy of God,
‘ who gave a Blessing to your Proceedings,
‘ and a desired Success to this Treaty,
‘ which we ought to acknowledge with hum-
‘ ble Thankfulness; and the weaker the In-
‘ struments were, the more his Power and
‘ Goodness appears in it. He was pleased
‘ to give Success to that Negotiation under
‘ my Hands; and (after many Delays and
‘ Debates, and all the Opposition that could
‘ be

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‘ be made) to give a Conclusion to it. I
 ‘ made an Alliance betwixt the Common-
 ‘ wealth and that Crown, ratified by the
 ‘ then Queen and the present King, under
 ‘ their Hands, and under the Great Seal of
 ‘ *Sweden*.

‘ T H E Instrument thereof, I presented
 ‘ to his Highness and his Council at my Re-
 ‘ turn home, who caus’d a strict Perusal
 ‘ and Examination thereof to be made ; and
 ‘ finding it punctual, according to my In-
 ‘ structions, did Approve of it, and of my
 ‘ poor Service in it : And his Highness ratified
 ‘ the other Part of the Treaty, to which the
 ‘ Great Seal of *England* was affixed ; the
 ‘ Transcript whereof, with the Original of
 ‘ the other, are at your Command to be
 ‘ produced.

‘ I SHALL not presume to judge of
 ‘ the Advantages by this Alliance to this
 ‘ Nation, and to the Protestant Interest,
 ‘ through the World, this honourable House
 ‘ are best able to judge thereof. and of the
 ‘ Duty of their Servant, and his Perfor-
 ‘ mance thereof, who submits all to their
 ‘ Wisdom and favourable Construction.

‘ A N D being now in my return home-
 ‘ wards, give me leave, Sir, to acquaint
 ‘ you with some Passages of Respects to this
 ‘ Commonwealth, in my Journey, both in
 ‘ *Sweden, Denmark, and Germany*.

‘ T H E Magistrates and People of *Stock-*
 ‘ *holm* were very Respectful to your Ser-
 ‘ vants ; and General *Wrangel*, and General
 ‘ Major *Fleetwood*, with *Herelagerfelds* and
 ‘ others, accompanied me Forty *English* Miles
 ‘ to their chief City. There they freely
 ‘ shewed me, not only the stately Castle,
 ‘ Town

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‘ Town, Haven, and Ships ; but their Works,
‘ Magazines, Arsenal, Work-Houses for Arms
‘ and Shipping, which were very strong and
‘ considerable.

‘ THERE I had Two Ships provided
‘ for my Transportation over the *Baltick* Sea ;
‘ and in that where I went on Board, a Vice-
‘ Admiral was sent to Command, being a
‘ Point of great Honour ; and the Ship was
‘ richly furnished and accommodated for the
‘ Voyage.

‘ AFTER we had passed this deep and
‘ rough Sea, through great Tempests and
‘ Dangers, and were arrived near the Hans
‘ Town of *Lubeck* ; they hearing of it by
‘ our Guns, sent their Coach and Officers
‘ to Conduct me to their City, where some
‘ of the Chief of their Lords, with their
‘ *Sindick* or Recorder, came from the rest
‘ to Salute me, and, in the *Latin* Oration
‘ made to me, gave me all Welcome to the
‘ Place, and highly expressed their Valua-
‘ tion of this Commonwealth. I received
‘ also Civil Compliments and Salutations
‘ from the Dukes of *Saxony*, *Holstein*, *Cour-*
‘ *land*, *Lunenburgh*, and other free Princes of
‘ *Germany*, full of Respect and Honour to
‘ you.

‘ HERE I received likewise Respect and
‘ Ceremonies from the *English* Company at
‘ *Hambrough*, Two Days Journey from this
‘ City ; who sent Messengers to invite me
‘ to their House in *Hambrough*, and ex-
‘ pressed all Duty and Respects to you as
‘ their Superiors.

‘ IN my Land Journey, which was not
‘ without Hardship and want of Conve-
‘ niences, where the Armies had been in
‘ their

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' their late Wars betwixt these Two Hans
 ' Towns of *Lubeck* and *Hambrough* : About
 ' Two Leagues before I came to *Hambrough*,
 ' my Countrymen of the *English* Company
 ' there met me upon the Way, with about
 ' Fifty Coaches, and about Two Hundred
 ' Horsemen, to welcome me to those Parts.
 ' They treated me nobly by the Way, and
 ' conducted me into *Hambrough*, where the
 ' Streets were so crowded with People, that
 ' we had a difficult Passage through them ;
 ' and generally, both in their Words and
 ' Carriage, they express'd all Civility and
 ' Respect to this Commonwealth.

' THE same Evening that I came hither,
 ' the Lords of *Hambrough* sent Four of their
 ' Senators, with their *Sindick*, to Salute and
 ' Welcome me to their City ; and presented
 ' me nobly with Provisions of Fish and Flesh,
 ' Wine and Beer, for my Hospitality.

' THEY congratulated the Success of
 ' your Treaty with *Swedeland*, and expressed
 ' very high Regard to your Commonwealth :
 ' They invited me to Collations, and did
 ' me the Honour to come to my Table, and
 ' appointed one of their Chief Military
 ' Officers to shew me the Works and Ammu-
 ' nition of the Town ; and others of their
 ' own Number, to accompany me to their
 ' Town-House, and to inform me in Matters
 ' relating to their Judicatories.

' INDEED, their Fortifications are very
 ' strong and regular ; and they have great
 ' Store of Arms and Ammunition, and give
 ' therein a good Pattern for others, as also
 ' for Provisions for their Shipping.

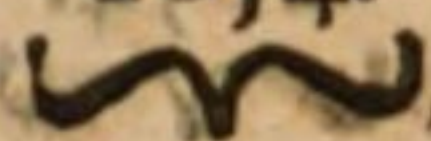
' SIR, I must do this Right to them,
 ' that both at my coming thither, and du-

* *

ring

ring my stay there, (which was about Ten Days) and at my departure from thence, they did upon all Occasions manifest as great an Esteem and Respect for this Commonwealth, as any whom I have met with in Foreign Parts.

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S I R, It pleased God to stop our Voyage by contrary Winds, and to stay us upon the *Elbe* near *Gluckstadt*, a Town of the King of *Denmark's*; who, hearing of my being there, sent one of his Senators, *Grave Rossen-Cross*, Viceroy of *Holstein*, to invite me to this Court.

THE Viceroy came with many Attendants, and not without great Danger by the stormy Weather, on Board my Ship, and highly complimented this Commonwealth from his Master: But I knowing the Course of Treatments in those Parts, excused my self, with the best Civility I could, from going on Shore, alledging, (what was a Truth) That no Person having the Command of your Ships, (as I then had) and being on Board them, ought to go from them without Leave, until his Voyage were finished; and that this was my Condition at that time.

I H A D much ado to satisfy the Viceroy, but he was well pleased with this Treatment, and promised to make my Apology to his Master, and to do all good Offices with him to testify his Service to this Commonwealth.

AFTER an extream dangerous and strong Passage betwixt *Hambrough* and *England*, wherein the Hand of God appear'd wonderfully in the Preservation of your Servants, we all came in safety to our dear Country.

T H U S,

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‘ THUS, Sir, I have given you an Account of the whole Transactions of this Business; and for any Errors or Miscarriage of Mind in the Negotiation, or in this Account I have given you of it, I humbly ask your Pardon.

IT’S no small Honour for a Man, to be allowed to speak so long before such an Assembly; but much more, that this Speech of my Lord Commissioner *Whitlock* should have the general Applause of the House: Upon which Occasion, several of the Members stood up, and moved, That he might have the publick Thanks of the House for the good Service he had done in that hazardous and important Ambassy. Then the Lord *Broghill*, afterwards Earl of *Orrery*, so famous for his excellent Plays and Romances, spoke much in Commendation of the Treaty and the Ambassador; and seconding the Motion, That he might have the Publick Thanks of the House for his eminent Service; he added, That there was a considerable Sum of Money due to him, for the Expences of his Ambassy, and no Gratuity or Reward conferred upon him for the great Services he had done to the Publick; and moved farther, That the House would order him the Payment of Two thousand Pounds, in Satisfaction of all the Arrears due to him, and as a Mark of the House’s Favour.

OTHERS, who were thoroughly acquainted with the Business, informed the House, That there was near Two thousand Pounds Arrears due to him; and that there would be but a small Overplus of the Two thousand Pounds, if they were pleased to order

order it him, to be a Testimony of their Favour and Reward for his Service: The House unanimously Ordered, 'That Two thousand Pounds should be forthwith paid him out of the Publick Treasury, in Satisfaction of all his Expence in his Ambassy, not yet paid, and of all Arrears due to him;' And the Speaker, pursuant to the Order of the House, solemnly gave him Thanks for the great Service he had performed for the Commonwealth in his Ambassy to *Sweden*.

THE Lord Commissioner *Whitlock* continued still in his Station to serve the Publick; but was, towards the beginning of *November* this Year, afflicted with the Death of his most learned and incomparable Friend *Mr. John Selden*; who, growing weak in Body, writ these few Words to him on the Tenth of that Month.

I AM a most humble Suitor to your Lordship; That you would be pleased that I might have your Presence for a little time to Morrow or next Day: Thus wearies the most weak Hand of Body, of

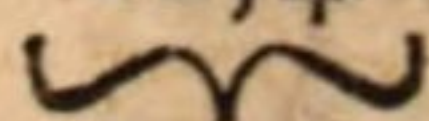
Your Lordship's

most humble Servant,

J. SELDEN.

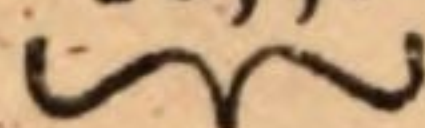
THE Lord Commissioner went to that great Man according to his Desire, who consulted him about settling his Estate, and altering his Will, and being one of his Executors; but his Weakness so increased upon him, that his Intentions were prevented.

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WE shall not meddle with the Proceedings of this Parliament of *Oliver's*, who, after they had sate for several Weeks, finding they could not be brought to be so pliable as he could have wish'd, dissolved them, to the Displeasure of a great many People; which occasioned some Conspiracies against him, wherein it looked as if many of the Parliamentarians would now joyn with the Cavaliers in restoring the Nation to its ancient Form of Government, and call in the King. The Protector was jealous that many of his former Friends inclined to this, and of the Lord Commissioner *Whitlock* in particular; and perhaps there might be some Reason for it. I will not say, it was out of Spight to Mr. *Whitlock*, and some of his Fellow-Commissioners, so much as out of a Design to please the People, that the Protector and his Council were now Busie in regulating the Proceedings in *Chancery*: Which indeed wrought dubious Thoughts in the Commissioners, who knew that there was a Design to lessen the Authority of that Court; and they were no Ways consulted about it: However, they took no Notice, but went on in their ordinary Method of Proceedings.

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THE Ordinance being at length fram'd, the Lord *Whitlock*, and the rest of the Commissioners, were ordered to attend a Committee of Council at the Council-Chamber, where they were acquainted with an Order of his Highness the Lord Protector and the Council, That the Lords Commissioners of the Great Seal should proceed according to the Ordinance of his Highness and the Council, Entituled, *An Ordinance for the better regu-*

regulating and limiting the Jurisdiction of the High Court of Chancery.

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T H E Chairman told them, That this Ordinance was made upon Deliberation and Advice ; and his Highness was perswaded, That it should much conduce to the Publick Good to have it duly executed, which that Order did require ; and he delivered it to the Lord *Whitlock*, and said, His Highness did not doubt of their ready Compliance therewith.

T H E Lord *Whitlock*, as the First Commissioner, told the Committee, That they had not the Honour to be advised with upon the making of that Ordinance, and that they were under an Oath, and as far as they could they would readily comply with the Pleasure of his Highness and Council, and desired some Time to peruse and consider the Ordinance. Some Debate in general there was about it ; and the Master of the Rolls spake most resolutely against it ; but the Committee would not enter into a Debate about it, only they gravely admonished the Lords Commissioners to be careful not to oppose his Highness's Intentions for the Common Good, and so they dismissed them. After this, the Commissioners of the Seal and the Master of the Rolls had several Meetings and Consultations about the Execution of this new Ordinance.

COMMISSIONER *L'Isle* was wholly for the Execution of it ; but the Lord *Whitlock*, Sir *Thomas Widdrington*, and the Master of the Rolls, being not satisfied with the Execution of it, they declared their Reasons about it, and Observations of Inconveniencies in it ; which being of great Weight, and where-

1655. in the Lord *Whitlock* had the greatest Hand, it's proper they should be inserted here, as follows:

‘ T H A T the Commissioners and Master of the Rolls were by this Act of Regulation made instrumental to deprive several Persons of their Freehold, without Offence or legal Trial; which reflecting upon the great Charter, and so many Acts of Parliament, they humbly desired they might have the Opinion of all the Judges of *England* in point of Law therein.

IV. T H A T the Fourth Rule of the Ordinance was, That the First Process in Chancery should be a Subpœna, which should be open; and that as many Defendants as the Plaintiff did desire, should be inserted into the same, paying no more but One Shilling and Six Pence for every Subpœna; thus to be distributed, Six Pence for the Seal, and Twelve Pence to the Office.

‘ T H A T upon serving the Subpœna open, the Abuse, now too frequently used, would be much encreased by Forgery of Names, Persons, and Dates.

V. T H A T no Subpœna be sued out until a Bill be filed, and a Certificate thereof be brought unto the Subpœna-Office, under the Hand of the chief Clerk, or his Deputy; for which Certificate, the chief Clerk should receive no Fee.

‘ T H E Exhibiting a Bill before a Subpœna, would draw an unnecessary Expence and Trouble in many Suits, which would end upon the bare Service of the Subpœna, as was found by daily Experience: And that it was mischievous to the People in many Particulars ready to be expressed, and

and only profitable to Lawyers and Attornies.

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VI. T H A T in Default of Appearance, upon Oath made of due Service, or in Default of Answer within due Time, (Security being put in, as is provided) an Attachment with Proclamation shall issue to the Sheriff, who shall cause the same to be proclaimed at the Door of the Defendant's Dwelling-House, Lodging, or last Abode, between Ten and Two, by the Sheriffs, Bailiffs, or Special Bailiffs; and the Bailiffs shall have Power, for the Apprehension of the Party, (if need shall be) to break open any House or Door, where the Party is, in the Day-time: Provided, That if the Warrant be to Special Bailiffs, they shall not break up any House or Door but in Presence of a Constable, who, upon shewing of such Warrant, is required to be assisting unto the Bailiffs; and if the Defendant cannot be apprehended, nor shall appear by the Return of the Writ, the Plaintiff may return the Attachment as often as there shall be Cause; which Attachment shall be in lieu of a Commission of Rebellion and Serjeant at Arms.

T H A T this seem'd to advance the Jurisdiction of the Chancery upon a mean Process, beyond an Exemption at Law, to break open not only the Party's, but any other Person's House, without Notice or Request made to be admitted; which might be used to the Robbing of the Houses, and taking away Evidences and other great Abuses; it being far different from the awarding the Serjeant at Arms, who was a known and responsible Officer, and acted only by Special Order in

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open Court, upon Satisfaction of the Height of the Contempt, and his Warrant was under the Hands and Seals of the Commissioners, and he was also answerable to them for his Miscarriage, if any were; and that the other Process was issued by Clerks of Course, which reflected upon the Liberty and Safety of the People of the Nation, wherein every ordinary Clerk had Power to do more than all the Judges of England; and how safe it was for Judges to award such Process, was left to Consideration.

VII. T H E Defendant shall not be compelled to answer, until the Plaintiff, with one Surety at least, hath acknowledged a Recognizance before a Master of the Chancery in Ordinary or Extraordinary, (the Sum not to be under Twenty Marks) conditioned to pay such Costs to the Defendant in that Suit as the Court of Chancery shall award, if they see Cause to award any; for which Recognizance he shall be paid Twelve Pence only, and no more; and such Master of the Chancery shall for as much certify every such Recognizance into the Office of the Petty-bag in Chancery, to be there filed; and the Officer there shall give a Certificate thereof to the Plaintiff, or his Attorney, upon Request; and for the filing such Recognizances, making Certificate, and keeping an Alphabet thereof, he shall receive Twelve Pence, and no more; but where the Plaintiff shall be admitted in *Forma Pauperis*, there no Security is to be required.

T H A T by this, the Defendant was not bound to answer, without the Plaintiff gave Security by Recognizance, which would

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‘ would be an Incumbrance upon his Land
‘ so long as that Suit endured ; which would
‘ hinder Commerce, and disable Infants,
‘ and Persons *non-Compos-mentis*, to sue ; and
‘ was of great Delay, and five times the
‘ former Expence before the Suit could have
‘ an Answer ; and the discharging and suing
‘ Recognizances would encrease Motions,
‘ Suits, and Expences ; and if the Suit never
‘ proceeded, it would be difficult to have it
‘ discharged, and could not be but by Or-
‘ ders, though the Parties consented, and
‘ the Rule it self was uncertain, not expres-
‘ sing to whom the Recognizance should be
‘ given ; and did no more than what might
‘ be done upon Order for Costs, without so
‘ much Expence, which was only of Ad-
‘ vantage to Lawyers, Officers, and Clerks.

VIII. T H A T where a Defendant might answer by Commission in the Country, he shall not now be forced to take a Commission, but may answer upon Oath before the Master of the Chancery in the Country, in like Manner, and by such Time, as if a Commission had issued ; and that the Lords Commissioners for the Great Seal do take Care, for that Purpose, there be in every County a great Number of such of the Justices of the Peace resident in that County, as they shall judge to be of greatest Ability and Integrity, appointed to be Masters of the Chancery Extraordinary ; and that such Masters, or any Master in Ordinary, after the Answer so sworn before him, shall sign the same, and give it into Court himself ; or, being seal’d up, deliver it to some Person to deliver the same into Court, make Oath, That he received the same from the Hands of

1655. such Masters of the Chancery, and that, since the receiving thereof, the same hath not been opened or allowed.

‘ THAT it was very dangerous to rely
‘ upon Answers as this Rule directed; for
‘ the Defendant might go into any Country,
‘ and never call any Person thereunto that
‘ knew him to be the same Person.

IX. THAT upon delivering in the Answer, the Attorney for the Defendant do take Care, that he be provided with Names of Persons for Commissioners, to be given by him upon a Rule given to rejoin.

‘ That it was not possible, until the Defendant did know into what Country the Plaintiff would take his Commission.

X. WHEN an Answer is put in, the Plaintiff shall reply within Eight Days, if the Answer were in Term-time; otherwise in Four Days after the Beginning of the next Term, unless the Plaintiff shall, within Eight Days after the Answer, come and put in Exceptions thereunto, or promise the Cause to be set down for hearing one Bill, and another to be heard the next Term; otherwise the Cause to be dismissed without Motion, with Costs to be taxed by the chief Clerk.

‘ THAT this could not be observed,
‘ without great Mischief that might happen
‘ in Case where all the Defendants had not
‘ answered; which might be the Loss of a
‘ Cause, where the Plaintiff had Occasion
‘ to put in a Special Replication: That it
‘ could not be known to his Council, or Attorney, but by the Plaintiff’s Information;
‘ and by Experience it had been found a
‘ great Inconvenience to confine the Plaintiff

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tiff to such short Time ; and that it was
the Cause of many Motions to enlarge it ;
and the Execution of that Rule was of no
Advantage to the Defendant, as it was
conceived, unless it were to surprise the
Plaintiff from making the Truth of his
Case appear.

XII. THAT in case the Plaintiff think
fit to except unto the Answer for the Insuf-
ficiency, the Plaintiff shall deliver the Ex-
ception in Writing to the Defendant's Attor-
ney within Eight Days after the Answer
filed, and shall enter the Cause with the Re-
gister ; and in the same Order as they are
entred, the same shall be heard by the Master
of the Rolls, who shall appoint one or more
Days in a Week for that Purpose ; and at
every Sitting shall appoint his next Time of Sit-
ting, and how many of the said Causes shall
be then heard upon Exceptions, in the same
Order as they are entred ; which Days the
Parties shall attend at their Peril : And the
Master of the Rolls, upon hearing thereof,
shall give such Costs as be fitting.

THAT that hinder'd the Defendant's
Liberty to amend his Answer, without fur-
ther Delay or Expence.

XIII. THAT if a Defendant doth ap-
pear, and answer insufficiently, and it be so
Ruled, or shall plead Demur, and the same
be over-ruled ; then if, upon a Rule given,
he shall not answer within Eight Days, the
Plaintiff may proceed in such sort as is be-
fore directed, in case the Defendant had not
appeared.

THAT this, together with the Sixth
Article, imposed upon any Person, that liv'd
remote, without any Notice or Default in
them,

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‘ them, to have his House broke open, or
 ‘ any other House wherein he was, and to
 ‘ be taken in Contempt.

XIV. THAT after an Answer, if it appear at any time to the Court, that no Part of the Matter of the Plaintiff's Bill is then proper for Relief in that Court, the Court shall dismiss the Bill, with full Cost, upon a Bill to be allowed by the chief Clerk: But if some particular part of the Bill be thought fit by the Court to be proceeded in, the Court then shall direct the Examination and Proceeding upon that particular Point, and the Defendant not to be forced to proceed to examine upon any other Matter.

‘ THAT this would create a Multitude
 ‘ of Actions and Expence; and in implicated Causes of Trade and Trusts, would be
 ‘ dangerous to break or cut them off, and to
 ‘ give Judgment upon them before a Hearing; and it was of no Advantage to either
 ‘ Side, but what the Court might thereby
 ‘ provide for at the Hearing, if any Thing
 ‘ were unaccessorily examined.

XV. THE Plaintiff, the next Day after the Supplication filed, or the same Day if he will, shall cause a Rule to be entred, for the Defendant to rejoin and join in Commission; which if the Defendant shall not do within Eight Days, the Plaintiff may take Commission *Ex parte*; and the Defendant shall have no new Commission in that Cause.

‘ THAT this would be a Means to surprise many Persons in their just Defence,
 ‘ without any Provision against Sicknes, or
 ‘ any other Accidents; and if this were enforced as a Law, all special Rejoinders, for
 ‘ which there might be just Cause, were taken

ken away ; and it would destroy many a
just Cause, leave the Parties remediless, and
encourage false Dealing.

XVI. THAT no Witness shall be examined in Court but by one of the Examiners themselves, but in Cause of Sicknes ; and that one of the Examiners shall examine the Witness of the Plaintiff's Party, and the other the Witnesses of the Defendant's Party, if any be produced to be examin'd in Court ; and that no Clerk of that Office shall be a Solicitor, upon pain of losing his Place.

THAT no Provision is made, but that an Examiner, being a Party, must examine his own Witness, or his Adversaries.

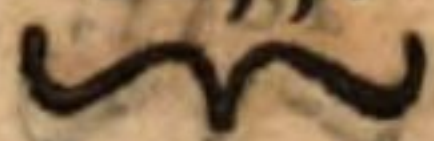
XVII. THAT all Commissions for Examination of Witnesses shall be open.

THAT the same would be in that, as in the Case of Subpoena's, Patents, and many more.

XIX. THAT the Commissioners for Examination of Witnesses, shall take an Oath before Execution of any Commission, to execute the same faithfully and impartially ; which each Commissioner is empower'd to administer to the other ; and the Clerk or Clerks attending such Commissioner shall take an Oath, which is to be administred by the Commissioners, to write down the Depositions of Witnesses truly and indifferently, without Partiality ; and a Clause shall be in the Commission for that Purpose.

THAT the Commission was a Writ in the Register, and that it was not mentioned or provided what the Form of the Oath or Clause to be inserted should be, nor by whom inserted ; and if that were extended beyond a Rule, and taken for a Law,

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‘ Law, any Plaintiff, who should lose his
 ‘ Commission, should lose his Cause; and
 ‘ so of any other Accident, though never so
 ‘ unavoidable.

XXI. THAT there shall be no more than Two Commissions at the most for Examination of Witnesses in any one Cause to be executed in *England or Wales*, unless where one shall be suppressed; and in case either Party have any Witnesses in *Scotland*, or beyond the Seas, to Examine, setting down the Names of such Witnesses, and delivering them to the Attorney of the other Side, he may take out a Commission within the Time before limited, wherein the adverse Party may joyn, if he will, within Four Days after Notice, or otherwise the Commission shall Issue *Ex parte*, provided, That the Parties, or either of them (and Court see Cause) may have several Commissions unto several Counties of the same Date.

‘ THAT this is Mischievous for the Reason
 ‘ before; and if this were extended beyond
 ‘ a Rule not to be dispensed withal, as
 ‘ Reason might require upon Accidents,
 ‘ many Plaintiffs would lose their Causes,
 ‘ especially Merchants, who could not by
 ‘ that Time know where their Witnesses
 ‘ were.

XXII. THAT after the Execution of one Commission, no second Commission shall be taken out but by Order of the Court, and upon Affidavit, That some material Witnesses, whose Names shall be therein expressed, have been discovered since the Execution of the former Commission; or, That some of the Witnesses intended to be examined at that Commission, and which
 are

are Material, could not be found, or by Reason of Sicknes, or like just Cause, could not attend that Commission; in such Case only, those Witnesses which shall be named shall be examined by such second Commission; and the same shall issue and be executed at the Charge of the Party praying the same, unless the other Side shall also desire to examine any Witnesses by any such second Commission, and then he shall likewise set down their Names.

‘ T H A T this was like the last.

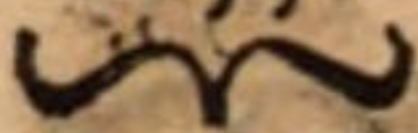
XXIII. T H A T after the return of a Commission executed, or Witnesses examined in Court, there shall be but one Rule for Publication; within which Time, if the other Side do not shew unto the Court good Cause to the contrary, Publication shall pass, &c.

‘ T H A T this Rule did not express after what Commission, or what Witnesses, whether all on either Side, or not; and would surprize Parties before they could Move, or be Heard by the Court, why Publication should not Pass, and increase Motions to the Advantage of the Lawyers and Solicitors.

XXIV. T H A T from and after the 22^d of October 1654. no Order or Direction concerning any Cause, depending in *Chancery*, to be made or given, but upon Motion in open Court, that then both Parties concerned, or their Council, may be heard.

‘ T H E Rule of the Court already being, That no Order should be made upon Petition, upon the Merits or Body of the Cause, or to Controul an Order in open Court; if that were further extended as

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‘ a Law, then many of the Suitors of the
 ‘ Court might lose their Causes, and be
 ‘ ruin’d; and there would be a Failure of
 ‘ Justice, and great Mischief ensue, as by
 ‘ daily Experience was found.

XXVII. THAT no Injunction be granted
 but upon Motion in open Court, satisfying
 the Court in such Matter, which may induce
 the Court in Justice to grant the Injun-
 ction; but the Defendants taking the Com-
 mission, or sitting Attachment only, shall be
 no sufficient Ground for an Injunction.

‘ THIS was so General, that it extended
 ‘ to all Injunctions; and so in Cases of
 ‘ Waste, Timber might be felled, Houses
 ‘ pulled down, Meadows and ancient Pa-
 ‘ stures ploughed up, to the irreparable
 ‘ Loss of the Plaintiffs, and the Common-
 ‘ wealth, before an Order could be procured
 ‘ to stay, in case the Defendants would not
 ‘ Answer; and if no Injunction were grant-
 ‘ ed upon an Attachment, or Delay of An-
 ‘ swer, a Defendant, altho’ not worth a
 ‘ Penny, may stand in Contempt, get an
 ‘ Execution on the Plaintiff’s Estate, and
 ‘ make it away, and no Reparation could be
 ‘ had.

XXIX. THAT no Injunction granted after
 a Plea, pleaded at Law, or Rules given,
 shall stop a Tryal at Law, or any Pleading
 or Proceeding preparatory to a Tryal.

‘ THAT it seem’d much against Equity,
 ‘ That if the Defendant by Answer confess
 ‘ the whole Debt to be paid, to suffer him
 ‘ to go to a Tryal at Law, which would be
 ‘ but a vain Expence to the Parties, and on-
 ‘ ly profitable to Lawyers.

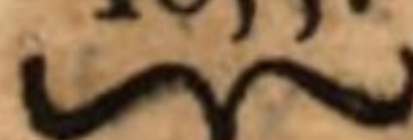
XXX. THAT

XXX. THAT from and after the 22d of *October* 1654. no Injunction be granted to stay the Mortgagee from his Suit at Law; but an Injunction may be granted, to prevent the Mortgagees pulling down Houses, cutting down Trees, or making other Waste or Spoil upon the mortgaged Lands.

‘ THIS was very Mischievous, where there
 ‘ was Equity, for an Injunction in this Case,
 ‘ as well as upon Bonds, or other Securities;
 ‘ the Mischief being greater to the Mort-
 ‘ gager (who should be turned out of Pos-
 ‘ session) than to the Obliger in a Bond; and
 ‘ the Mortgagee was also in a better Con-
 ‘ dition than the Obligee by reason of his
 ‘ Security by Land, and yet the Court was
 ‘ not barred to stay Proceedings upon Bonds
 ‘ and all other Securities, but were restrained
 ‘ in Cases of Mortgages.

XXXI. THAT all Differences touching Irregularities in Proceedings, or upon the Rates or Course of the Court, shall be determined by the said chief Clerks, or any Two of them, on whom the Attorneys on both Sides are to attend: And in case either Side shall not rest satisfied with the Judgment therein, they may appeal to the Master of the Rolls; who, upon hearing the Attorneys on both Sides, (and the chief Clerk that made the Certificate) if he see Cause, shall settle the same, and give Costs where he finds the Fault.

‘ THIS deprives the Commissioners of
 ‘ all Power upon the Rules and Course of
 ‘ the Court; and that these very Rules upon
 ‘ which they were to judge, and be an-
 ‘ swerable, as they were Judges of that Court;
 ‘ and

1655.  and gives Power to the chief Clerk to be Judge even of these Rules.

XXXII. ALL other References shall be determined by the Masters of the Chancery in Ordinary, which shall be only Six in Number, to be now, and from Time to Time, appointed by the Protector for the Time being: Of which Six, there shall sit Daily at some certain publick Place Three, so long as any References do depend; and shall have a Sworn Register to attend them, who shall, in Presence of them and the Council, read the Notes taken in each Cause, upon any Order made, or Report agreed: And the same being read, shall be subscribed by the Masters then present, or any Two of them; and afterwards the Report shall be drawn up by the Register, and subscribed by the same Masters, and certified: And that after the 22d of *October* 1654. no other Person or Persons shall Exercise the Office of a Master of the Chancery in Ordinary.

THIS seem'd to give Power to Masters, finally to determine without any Appeal to the Court, without any Provisions concerning Merchants Accounts, and other References of that Nature, which they could not so properly determine; and concluded the Court from making any Reference, though the Parties desired it, whereby the Cause might receive an End by indifferent Friends.

XXXVIII. THAT from and after the 22d of *October* 1654. every Attorney shall keep all and every Affidavit, whereupon he shall make forth any Writ or Process in his own Custody, and shall shew the same to the Attorney on the other Side, and suffer him

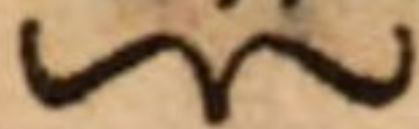
or other Person, to take a Copy thereof, if he shall require it; and that the Senior Register shall appoint a Clerk of Honesty and Integrity to attend the Court, and at the Rolls, and all Seals; who shall take an Oath before the Lord Chancellor, Keeper or Commissioner of the Great Seal, to be faithful in his Imployment; and shall receive into his Custody all and every Affidavit, which shall be made in Court, or upon which any Order shall be grounded, and shall daily File the same, and keep an Alphabet thereof: And in case the Party, at whose Instance such Affidavit was made, shall have Cause to have a Copy thereof, he shall pay unto the said Clerk for the same 4 *d.* for Filing, and 3 *d.* for every Side for a Copy thereof; and the other Side or any other Person desiring it, may also have a Copy at the same rate; and the Register shall have for examining and signing such Copy 6 *d.* and no more.

‘ THAT it was conceived by the Clerk’s keeping the Affidavit, it may be in his and his Client’s Power to alter or retract it after it was Sworn, as was found by Experience had been done.

XL. THAT all Causes should be set down for Hearing in order as they were published, without preferring one Cause before another; and shall be presented by the chief Clerks, without taking any Fee for the same; and the Causes being so set down, shall be heard in the same Order.

‘ THAT this Rule was very prejudicial in Cases (which are many) that depend upon the Lives of the Persons; and also of Merchants, where one gets the Estate of another’s into his Hand, and went beyond Seas;

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Seas ; and to deny him a Hearing in such Cases as Occasion should require, was all one as to deny them Justice, if that were enforced as a Law ; and if Cause were to advise with Judges, or any other Accident, the Court could not put off the Cause for half an hour.

XLI. THAT every Cause shall be heard the same Day on which it is set down for Hearing ; and for that purpose the Lords Commissioners, if there be Cause, shall sit for Hearing such Causes in the Afternoon, as well as in the Forenoon, except upon Saturdays.

THAT this was impossible to be done : For Causes of Equity depended upon so many Circumstances in Cases of Frauds and Trusts, that Three or Four Days was not sometimes sufficient for the orderly Hearing of one Cause ; and the Sitting of the Commissioners upon the Roll-Days could not consist, by Reason of Council and Solicitors, who could not do their Duty at both Places ; and if this were imposed as a Law upon the Judges of that Court, they were enjoined thereby to act an Impossibility.

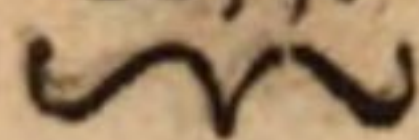
IT'S a frequent Course with us, almost every Session of Parliament, to propose somewhat concerning reforming the Abuses of the Law, among which these Replies of the Commissioners, tho' so long ago, may Claim some Share of being examined, and the Reasonableness of them sifted into ; and therefore it was not thought improper to take Notice of them in this Place : But to keep to the Times we write of : This Ordinance was
certainly

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certainly made to put a farther Trial upon my Lord *Whitlock*, and the other Commissioners, who kept as much as possibly they could upon their Guard; and Sir *Thomas Widdrington*, *Lenthal*, the Master of the Rolls, and himself, meeting one Day according to Appointment, they agreed upon a Letter to be subscribed by them, and sent to the President of the Council; importing, ' That
' they had seriously and duly weigh'd what
' they had received from his Highness concerning the Execution of the Ordinance
' touching the *Chancery*, and strictly examined their own Judgments and Consciences, having with all Submission fought to God therein, yet could not give themselves Satisfaction, so as to be free to proceed upon that Ordinance: Wherefore,
' and in regard of the near Approach of the Term, they held it their Duty to represent the same to his Highness, together with the great Trouble of their own Thoughts, by reason of their Unhappiness in that Dissatisfaction; and they desired the Favour of his Lordship to acquaint his Highness therewith.

NOW this Letter being not delivered to the President of the Council till some time after the Date of it, they received an Order or Warrant from the Lord Protector, whereby they were enjoyn'd to swear and admit Six Masters in *Chancery*, pursuant to the Ordinance already mentioned; and the same was directed thus: [*To Our Right Trusty and Right Wellbelov'd Sir Bulstrode Whitlock Kt. Sir Tho. Widdrington Kt. and John Lisle Esq; Lords Commissioners of the Great Seal of England.*]

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UPON the Receipt of this Warrant, Commissioner *Whitlock* and his Brethren swore the Six Masters accordingly, the Oath being the old One ; and they went on with the ordinary Business of the *Chancery* Court, pursuant to the former Method, during *Easter* Term, and did not execute the Protector's new Ordinance at all, of which he was fully inform'd ; but being not able to disturb them till the Term was over, he was then quick enough with them for their Disobedience.

THE Lord Commissioner *Whitlock* was a Gentleman of those Abilities, and happy Qualifications for his Post, and withal so useful upon many other important Occasions, that he was very much solicited by several Persons, whose Interest lay that Way, to recant the Letter he had subscribed with *Widdrington* and *Lenthall*, about not executing the Protector's new Ordinance concerning the *Chancery*, but conform himself to his Highness's Pleasure, and then he should be continued in his Post, otherwise he must expect to lose that great and profitable Employment: But he ingenuously answer'd, ' That no
' worldly Considerations should prevail with
' him to do any Thing contrary to his Judgment and Conscience, since he knew he
' should then Offend a greater Protector,
' and better Friend, than my Lord Protector
' could be : That he had taken an Oath to
' execute the Place of Commissioner of the
' Great Seal legally and justly ; and for him
' to execute that Ordinance as a Law, when
' he knew that those who made it had no
' Legal Power to make a Law, could not be
' justified in Conscience, and would be a
' betray-

betraying the Rights of the People of *Eng-* 1655.
land, and too much countenancing of an
 illegal Authority : That as long as he
 should continue Commissioner of the Great
 Seal, he would execute that Place accord-
 ing to Law, and do Justice to the Parties
 concerned in Court ; but to do an illegal
 Act, and to execute such an Ordinance as
 he knew not to be agreeable to Law, and
 would be an Occasion of Injustice to many,
 because he should thereby keep his Com-
 missioner's Place, he thought was not ac-
 cording to a good Conscience, or Honesty,
 and therefore he resolved to give himself
 Satisfaction before any Body else, and
 more than that he could not be persuaded
 to do.

ON the 6th of *June*, my Lord Commis-
 sioner *Whitlock*, and the rest of them, receiv'd
 a Letter from the Clerk of the Council, ac-
 quainting them, ' That it was his Highness
 and the Council's Pleasure they should attend
 the Protector with the Great Seal at Six in
 Evening : ' They knew the Meaning of it
 well enough ; and attending accordingly,
 after a little waiting, they were called into
 the Council Chamber ; where the Protector
 gravely told them, ' That he was sorry some
 of them could not satisfy their own Con-
 sciences to execute the Ordinance concern-
 ing the *Chancery*, which they were inform'd
 was very advantageous for the Publick ;
 but he confess'd, That every one was to
 satisfy his own Mind in a Matter to be
 performed by him ; and that he had not a
 worse Opinion of any Man for refusing to
 do that which he was dubious of ; but that

1655. *W* in this Particular, the Affairs of the Commonwealth did require a Conformity in those that were in Places of Trust, and Obedience to Authority; and that since some of them refused to execute the Act as it was enjoyn'd, they were put under a Necessity of committing the Custody of the Great Seal into the Hands of some others, who might be satisfied that it was their Duty to perform that Command, and to put the Ordinance in Execution.

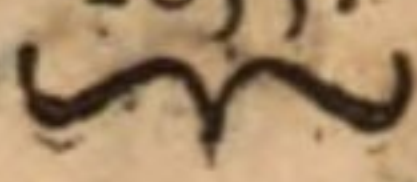
WHITLOCK, who was the first of the Commissioners, told the Protector, 'That their Scruple did not arise from his Highness's Authority and the Council's, as to the Command of all Things concerning the Government of the Commonwealth, but only as to the Effect of the Ordinance to be executed as a Law; the which they apprehended, and they had before given their Reasons for it, would be very Prejudicial to the Publick, and be contrary to what they had formerly promised by their Oaths, and being still unsatisfied therein, was the Ground of their Scruple.' *Widdrington* having said somewhat to the same purpose, the Protector requir'd them to lay down the Seal; and then being desir'd to withdraw, in this manner they parted with that Great Office.

THIS Action of *Whitlock* and his Colleague *Widdrington* was variously censured, and spoke of according to the Inclinations and Affections of People; while the Protector, having kept the Great Seal for some Days in his Custody, on the 15th of *June* deli-

delivered it to Colonel *Fiennes*, and their late Brother *Lisle*, who was a Man for all Assays, and had no other Knowledge of the Business he undertook, but the little he had learnt by accompanying the late Commissioners. 1655.

ON the other hand, the Protector being sensible of his harsh Proceedings against *Whitlock* and *Widdrington* for adhering to that Liberty of Conscience, which he himself held to be every Man's Right, he, by way of Compensation, was pleased to make them, together with the Colonels *Montague* and *Sydenham*, Commissioners of the Treasury; and with these Gentlemen they had fair Quarter, each of their Salaries being a Thousand Pounds *per Annum*. They had a Seal from the Protector and his Council for every Sum; and they then ordered under their Hands the Payment of every particular Sum accordingly; and all these were entred into their Books, so that the Government could not be cheated, and they had not the hard Ways of the usual Course of the *Exchequer*, tho' they did not take off that Course as to the constant Form of it.

GRAEF Hannibal Sesthead, a Danish Lord, who had married the King of Denmark's Half-Sister, but now out of Favour, coming at this time into *England* to see the Protector, he apply'd himself to the Lord *Whitlock*, with whom he had been acquainted in *Germany*, to introduce him: He was also, together with Mr. *Strickland* and Colonel *Montague*, ordered by the Council to receive *Graef Blunt* the Swedish Ambassador, and to conduct him to his Lodgings. *Whitlock* and *Strickland* received him at the Tower by the

1655.  Protector's Order, with his Coaches; and the first of them bid him Welcome in the Protector's Name, and then went with him and some others into the Protector's chief Coach. There was some Contest at their first setting out, between the *Swedish* and *French* Ambassador's Servants, which Mr. *Whitlock* soon appeased; and ordering the *Swedish* Ambassador's Coach to go first, they came by Torch-light through *London* to Sir *Abraham Williams's* House in *Westminster*: Mr. *Whitlock* and Mr. *Strickland* usually dined with the Ambassador, who asking, Why Mr. *Whitlock*, who was no Privy-Councillor, had Precedency of Mr. *Strickland*, who was one; whereas in his Country, the Councillors (who were called Senators) had Precedence of all other Subjects, of what Degree or Office soever they were? He was answered by Mr. *Whitlock*, Because in his Country the Councillors were *Senatores Regni*, but they were in *England* only *Consiliarii Protectoris*, not *Regni*.

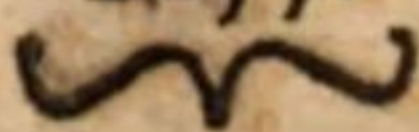
Mr. *WHITLOCK* kept on the Right Hand of the Ambassador, during the Ceremony of his Audience; of which, we shall not here meddle with the Particulars, but observe, before we come to say any more concerning the Success of this Ambassy; That Queen *Christina* of *Sweden*, being about this time to pass through that Part of *Germany* where King *Charles II.* then resided, in her Way to *Italy*, the King sent one of his Lords to Compliment her in his Name, and to express his Desire to wait upon her at any Place she should appoint: The Queen was pleased to Name *Coningstein*, where they met accordingly, had some private Discourse together, and

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and among other Things, as the King himself afterwards related it, there was some Mention made of Mr. *Whitlock* and his Ambassy to *Sweden*; wherein the Queen spake of him exceeding favourably and respectfully, and told his Majesty, ' That in all the ' Conferences she had had with him in ' that Time, she had never heard him speak ' a dishonourable Word of the King.

THE *Swedish* Ambassador was all this while impatient to have Commissioners appointed to treat with him about the Affairs he came upon, while *Oliver* and his Council had under Consideration the sending of a new Ambassy into *Sweden*; in order to which, the Lord Deputy *Fleetwood* and Colonel *Sydenham* were appointed to acquaint Mr. *Whitlock*, as they said, with a Business of very great Importance, which was, the sending an Extraordinary Ambassy into *Sweden*, about a Business of the greatest Honour and Consequence that could be, and most conducive to the Good of the Protestant Cause, which was the uniting of that Interest, and preventing the Differences that were like to fall out between the *Swede*, the *United Provinces*, and the Elector of *Brandenburgh*; for which End, they had Thoughts of Mr. *Whitlock* and Sir *Christopher Pack*, to go Ambassadors from his Highness to the King of *Sweden*.

Mr. *WHITLOCK*, who had encountered Dangers and Troubles enough in his former Ambassy, without receiving the least Reward or Acknowledgement of his Service; but on the contrary, notwithstanding the good Success he had met with, upon his Return found himself slighted and neglected, put out from being Lord Commissioner of
the

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the Great Seal, and was 500 l. of his own Money out of Pocket, bethought himself of endeavouring, by all the colourable Pretences he could suggest, to be excused from that Imploy : And when Colonel *Sydenham* spoke in Commendation of Sir *Christopher Pack*, Mr. *Whitlock* reply'd, They might send him alone thither, since he did not apprehend there was any Necessity of sending Two Ambassadors into *Sweden*: Both of them said, That the Design the Council had, was to manifest the Ingagement of the City in that Affair, and thereby to put an Honour upon them.

Mr. *WHITLOCK* was indeed very uneasie about this knotty Business, from which he would have given any thing to get himself disingaged, and now alledg'd, That the *Swedish* Ambassador in *England* might probably treat and agree upon the Business they had in View, without the Trouble and Expence of sending one into *Swedeland* for that Purpose. But *Fleetwood* replying, That that Ambassador here had no Instructions, Mr. *Whitlock* said, He believed he had, or might have sufficient Instructions, before any Ambassadors could go from hence to *Sweden*. And that to send him thither now, who had been so lately with the same King, would strangely alarm all the Popish Princes, and hasten an Union amongst them, which would be a Detriment and Disadvantage to the Grand Affair, which all good Men so much desired should be accomplished.

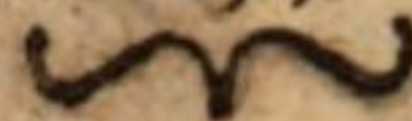
Mr. *FLEETWOOD* rejoyning, That he did believe that Affair could not be effected by the *Swedish* Ambassador here, and that the Pope was then Busie in uniting his Interest

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terest amongst all the Popish Princes, and particularly betwixt *Spain* and *France*; Mr. *Whitlock* prudently insisted, That the sending of an Ambassador from hence, would but hasten that Union; and that if our Business could be done by the Intervention of the Ambassador here, there would be no Notice taken of it.

IT happen'd well for Mr. *Whitlock*, or at least he himself had the Address to manage it so; that the *Swedish* Ambassador declared himself, as to the sending of an Ambassy to *Sweden*, much to the same Effect as the other had done; and it was a good Lift to him too, that Sir *Charles Woolfley* did not approve of joyning Sir *Christopher Pack* with Mr. *Whitlock* in that Ambassy, nor the Timing it; because, he said, He heard the King of *Sweden* had made an Order, to desire all Foreign Ministers to forbear coming to his Camp for a time, because of his being so deeply engaged in his Military Affairs, that he would not give them Audience: However, Mr. *Whitlock* was not yet got clear off; for the Protector himself earnestly pressed him to undertake the Ambassy, recommending it as a Business of the greatest Honour, and of the highest Concernment to the Protestant Religion: But upon Mr. *Whitlock's* Reasons and Representations of it, *Cromwell* seemed to be moved, and said, He would with his Council take it into farther Consideration.

THERE was now an Order made, That Mr. *Whitlock*, in Conjunction with *Fiennes*, *Strickland*, and *Pickering*, or any Two of them, should be Commissioners to treat with the *Swedish* Ambassador; and they were desired

1655.  desired to meet with Secretary *Thurlo* at the Council Chamber, to confer together about the Articles: Mr. *Whitlock* and the rest of them had a long Debate with the Ambassador, concerning Levies of Soldiers, and Hiring of Ships, in each others Dominions, which he had proposed; but the Council of the Protector having put in certain Cautions here, as that they should be made only in such Places and Ports, as the Chief Governor of the Country where it was to be done should approve, and not to be imploy'd against the others Friends: The Ambassador alledg'd, That it would be then in the Power of him, in whose Country these were to be Hired or Levied, to render it wholly fruitless, by appointing inconvenient Places for it; as by his Master in *Finland*, or by the Protector in *Ireland*, or the like.

Mr. *WHITLOCK* and his Fellow-Commissioners made Answer to this; That the Chief Governor of the Country knew best the Condition of it, and the State of Affairs there, which might be much prejudiced, if the Nomination of the Place were left to a Stranger; and then, if either Party had a mind to break the Treaty, it would be no difficult Matter to find an Opportunity for it; and that in these Cases there ought to be a mutual Confidence in the Justice and Honour of each other. After a long Debate, an Expedient was at last pitched upon, and in some Measure approved of; That the Chief Governor of the Country, where the Soldiers were to be levied, or Ships hired, in case he should not think fit to agree to the Place desired, should then appoint some other convenient Place for the Accommodation

tion of the Party that desired it, and, as near as might be, to the Place pitched upon.

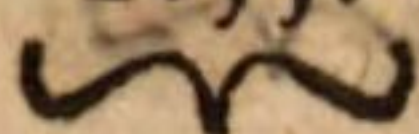
1655.

As to Soldiers, the Commissioners and Ambassador easily agreed, That they might be imploy'd defensively, as in Garisons, but not offensively against the others Friends; but for Ships, the latter insisted, That they should be made use of against the others Friends, if those Friends attempted any Disturbance upon the Seas in the Commerce of him who hired the Ships. There were also other Debates between them, concerning the Form of Passports for Ships, pursuant to the Treaty made by the Lord Ambassador *Whitlock* in *Sweden*, to which they referr'd, and also that Point of the Interruption of Navigation, and at length they concluded, That such Passports would occasion Fraud, and scarce be so framed as to avoid it.

The Debates being still prosecuted between *Whitlock*, *Strickland*, *Fiennes*, and the Swedish Ambassador at his House; they had much Conference about Contraband Goods, in which List the Council had inserted, Corn, Hemp, Pitch, Tar, Money, and other Things; to which the Ambassador said, That if they would also add Copper and Iron, it would include all the Commodities in his Master's Dominions; and he might have insisted upon adding Cloth to the rest, that being as necessary for Soldiers, as Corn and Money. To this, Mr. *Whitlock* and his Colleagues reply'd, That the Particulars added were most useful Things for War, especially for their then Enemy the *Spaniard*, and that it was our Interest to debar him of them.

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THE Ambassador insisted, That in the present Enumeration of Contraband Goods, the present State of Affairs was not to be consider'd, but how Things stood when the Treaty was made by the Lord Ambassador *Whitlock* in *Sweden*; by which, the Enumeration was to be made within Four Months after; and that as Pitch and Hemp were necessary for Ships of War, so they were also for Trading Vessels, which were not intended to be excepted.

Mr. *WHITLOCK* then gave them an Account of the Treaty he had concluded in *Sweden*, and how it was agreed the Enumeration should be, what Debates he had in *Sweden* about it, but referr'd by him to an After-Enumeration.

IT was also alledg'd, That Contraband Goods were such as were ready for present Use of War, not such as were Materials for Preparation; and the Commissioners urged, That they had made the like Enumerations in other Treaties, Corn only excepted, which was no Contraband; and they added, That there was no Certainty what Goods were or were not Contraband, but as they agreed upon them in Articles: Then they fell to debate the Form of a Passport, in pursuance to Mr. *Whitlock's* Treaty; at which the Commissioners boggled, and offered their Objections as they had done before, but could not come near to an Agreement; but the Ambassador proposing at last that a Free Ship should make Free Goods, and Free Goods a Free Ship, they agreed it.

HAVING referred to their next Meeting, the Consideration of giving Satisfaction for the Losses sustained on either side, in the

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* *

late

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late Wars between *England* and *Holland*, with the rest of the Particulars in the Lord Ambassador *Whitlock's* Treaty referred to a future Consideration and Treaty : The *Swedish* Ambassador in the meanwhile went to visit *Whitlock*, and told him, That now the sending of an Ambassy to *Sweden* was over, there being no Occasion for it, since there was a Peace concluded between the King of *Sweden* and the Elector of *Brandenburg*, and that the Treaty went on with them in *England*; intimating at the same time, that he was sufficiently impowered to conclude any Thing that in that Juncture was thought requisite to be done between his Master and the Protector; and that there was also all the Appearance imaginable, that there would be a good Understanding between the King of *Sweden* and the *United Provinces*.

SOON after this, Mr. *Whitlock* and his Fellow Commissioners went to the *Swedish* Ambassador's House again, and proceeding in the Treaty, they had great Debates about the Articles of Restitution, which was much pressed by the Ambassador, as being pursuant to the Lord Ambassador *Whitlock's* Treaty; and instanced in several Cases, wherein his Master's Subjects had received great Injury and Loss by the *English* Privateers in the Time of the War between *England* and *Holland*. This made Way for Mr. *Whitlock* to acquaint them with his Proceedings upon that Head in *Sweden*, and that it had been demanded there to have Restitution made to the *Swedes*, which he denied upon the following Considerations: I. *Because an Article would seem to admit an Injury done to the Swedes by the English, and that Justice could not be had*
for

1655. *for the same. II. Because Injuries were relievable in the ordinary Course of Justice in England, as in the Admiralty Court, and upon Appeals. III. Because no Restitution could be expected until the Damage or Injury were first made to appear, which could not then and there be done, and was not to be admitted without Proof. At length they agreed on the following Expedient; That Restitution should be made to either Party for Damage sustained, and as it was in the Article.*

MANY Debates they afterwards had, and the Ambassador made grievous Complaints; wherein the *Admiralty Court in England* was much reflected upon, and the Delays and Injustice of that Court laid open, and not spared; and the Result of the whole came to this, That Mr. *Whitlock* and his Fellow Commissioners desired the Ambassador, That his Secretary might prepare Abstracts of such particular Cases as he thought fit to insist upon, to be presented to the Protector and his Council; who would thereupon cause an Inquiry to be made into the Particulars, and would give Order, That Justice should be done as the Cases should require.

HAVING gone thus far, and agreed, That at their next Meeting they should proceed to a Perusal of all the rest of the Matters remaining to be treated of, that, after a View of the whole, they might come to particular Resolutions and Agreements; Mr. *Whitlock* and his Brethren went again to the *Swedish Ambassador's House*, and the Debates were upon Matter of Trade. The Ambassador thought the Demands not equal, That the *English* should pay no greater Impositions in
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the King of *Sweden*'s Ports than his own Subjects paid ; and said, That the former Articles were Reciprocal, and that herein nothing was offered for the *Swedes* Privilege in the Ports of this Commonwealth. 1655.

Mr. *WHITLOCK* and the rest answered, That this, being granted to the *English*, would cause them to frequent the King's Ports, to bring a great Increase of Trade thither to have Ships there in a readiness to be hired for his Majesty's Service, if he should have Occasion, and that they were better fitted for War than any other Merchant-Ships in *Europe* ; and that if his Excellency should think fit to propose any Thing on the behalf of the *Swedes*, the same should be taken into due Consideration.

THE Ambassador reply'd, That neither the *English*, nor any other Nation, did afford equal Privilege to Strangers in Point of Impositions as to their own People, but made a Difference as to the Persons ; only in *Sweden*, the Difference was not made as to the Persons of *Swedes*, but as to *Swedish* Ships ; whosoever brought any Goods in them, paid less Imposition than others ; which was done to increase their Shipping, and to prevent the Fraud of Strangers consigning their Goods to *Swedish* Names, that thereby they might pay the less Custom.

Mr. *WHITLOCK* told them, This was the Work of the old wise Chancellor, whereby they did not only increase their Shipping, which was the greatest Want they had in *Sweden* as to their Navigation ; but the Frauds of Vending their Goods in *Swedish* Names was also thereby prevented. This Matter was referred to further Consideration ; and they

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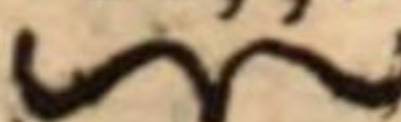
proceeded to the Demands for settling Trade, and the Privileges of the *English* Merchants in *Prussia* and *Poland*; wherein Mr. *Whitlock* observed to them the Injustice of sealing the *English* Cloths at *Dantzick*, and the not confirming the General Pact of *Prussia*, agreed to be done formerly in relation to the *English*, by the King of *Poland*, who had not kept his Word therein.

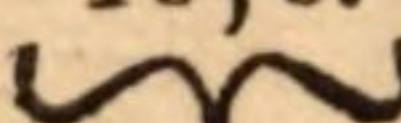
THE Ambassador answer'd, That his Master was but newly Master of *Poland* and *Prussia*, which he hoped (by the Blessing of God) to keep; That he was not Master of *Dantzick*, and probably he might have granted and confirmed to those Towns, that had submitted to him, their Antient Privileges: And that he could not grant to the *English* there, any Thing contrary to those Privileges of the Towns which he had confirmed; and this was thought reasonable, and not to be pressed further than might stand with the Confirmation of Privileges, which the King had granted to the Towns that were come in to him.

THE Ambassador then proposing, That the *English* might have all the Trade of *Russia* brought down the River *Volga* into *Nerwa*, the King of *Sweden*'s Port upon the *Baltick* Sea, and by that Means save the going about to *Archangel*, which Voyage could be made but once in a Year, to Three that might be made to *Nerwa* within that Time. Mr. *Whitlock* informed them of much Discourse between the old Chancellor, his Son, and himself, about this Matter: And the Ambassador having his Maps there, Mr. *Whitlock* shewed them the great Difference there was in the Voyage of going about

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bout by *Norway* and the *Frozen Sea* to *Archangel*, and going through the *Baltick Sea* to *Nerva*: He shewed them likewise, That there was a Probability of having the *Persian* Silks and Commodities from the *Caspian Sea* to the River *Volga*, and from thence to be brought to *Nerva*, and thereby to save that vast Voyage which Merchant-Ships took of going to *Persia* the usual Way. But then Mr. *Whitlock* objected now, as he had done formerly to the Chancellor, That it would be difficult to procure the *Russia* Commodities to be brought down to *Nerva*, and to satisfy the Czar of *Russia*, that he should be no Loser, in respect of his Customs which he now received at *Archangel*; but the Goods being brought to *Nerva*, the Customs would be payable there to the King of *Sweden*. To which, the Chancellor then answered, That the *Muscovites* would be more willing to bring their Commodities to *Nerva* than to *Archangel*, because it would be done at less Charge almost by one half, and that the Czar would be no Loser as to his Customs: For the same Custom which was now paid at *Archangel*, would be paid at *Blesco*, a Town of the Czar's, whither the Goods must be brought before they came to *Nerva*; and that notwithstanding the Payment of Customs twice, yet the Commodities would be afforded at easier Rates than they were at *Archangel*, by reason of the Cheapness and Conveniency of bringing them to *Nerva*. All this was agreed unto by the Ambassador, who brought in a Story of a *Dutchman*, who observing the Boats that passed upon the *Volga* were manned with 300 Men each, and that in a Storm and high Wind they held the

1655.  bottom of the Sails down; this *Dutchman* offered the Czar, that he would shew him a Way how, with 30 Men in a Boat, they should be as well mann'd as they were with 300 Men in each, and so the Charge should be lessened: But the Czar called him Knave, and asked him, If a Boat that went now with 300 Men were brought to go with but 30, how then should the other 270 Men get their Living?

1656.  TWO or Three Days after this Conference was held, the Lord Commissioner *Whitlock* and his Colleagues were ordered to meet with Secretary *Thurlo* at *Whitehall*, to look over the several Particulars which had been treated on with the *Swedish* Ambassador, and to consider how far it was fit to proceed to an Agreement. On the 11th of *March* they attended the Ambassador again, when most of the Articles for Levies of Men, Hiring of Ships, and Passports for Contraband Goods, were in a manner agreed on; but those for Trade, and Restitution of Goods, were deferred to another Time.

THO' the Lord Commissioner *Whitlock* spent much of his Time, and was the most engaged of any in the Management of this Treaty; yet he was no Ways negligent of his Duty as he was one of the Lords of the Treasury, where he and his Fellow-Commissioners had a constant Account every Week of all the Receipts and Disbursements of that great Revenue; which being so often taken, made it the more Easie, and gave them a better Opportunity to order the same to the best Advantage for the Publick; and as they received that Account from their Under-Officers,

Officers, so they gave the Protector an Account how Things stood from time to time, with their Advice about the same. 1656.

BUT not much to deviate from the Treaty in Agitation, Commissioner *Whitlock*, *Fiennes* and *Strickland*, met by Order at *Whitehall*, to confer about it: They perused the Vote of the Council, 'That Hemp and Flax, and Pitch and Tar, should be accounted by that Treaty Contraband Goods during the War between *England* and *Spain*.' The Commissioners wish'd, That this Vote of the Council had not been pass'd, because they believ'd it would have proved an Hindrance of a good Conclusion of the Treaty with the Ambassador, and doubted that he would not Consent to it, and that seemed to be departing from what they, as Commissioners, had formerly done, in being inclinable to wave it; and they thought it best not to carry this Vote to the Ambassador, till the Council were farther advised with about it, who, perhaps, would not insist upon it: And in the mean time, Mr. *Whitlock* should go to the Ambassador to excuse that Delay, which was, to the end to give him better Satisfaction; which his Highness agreed to, and ordered the Lord Commissioner *Whitlock* to go to the Ambassador to discourse with him about the Protestant Union, and appointing Commissioners for Restitution of Damages, and other Points.

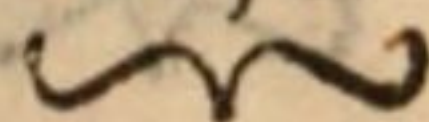
Mr. *WHITLOCK*, pursuant to *Cromwell's* Directions, went to the *Swedish* Ambassador, and delivered to him what he was directed from the Protector, as much to his Highness's Advantage as he could improve it, and endeavour'd to satisfy the Ambassador,

1656. That his Highness's Intentions and Inclinations, as to a nearer Alliance with the King of *Sweden*, were the same still as at first, and that he was very desirous of it. The Ambassador answer'd, That perhaps his Highness had no great Mind at first to a nearer Alliance with the King of *Sweden*, and so might have the same Intentions still; that he could not but wonder, that his Highness would heretofore express himself so well inclined to that nearer Alliance, and at his last Audience to be so cold in it, and of another Opinion than he was before; which would make him seem to his Master either negligent as to his Service, or not at all thought worthy to be regarded here: But he desired to know a certain Answer, Yea or No, whether he would do it or not; and if he had no Mind to it, that then there might be a Dispatch of what was left to be done upon the Treaty made by the Lord *Whitlock*, and so he might kiss the Protector's Hand, and return home.

THE Lord Commissioner *Whitlock* seeing him in such a discontented Humour, endeavoured to divert him, and to satisfy him that the Protector was still very well inclined to the Point, of a nearer Alliance with the King of *Sweden*, but found it difficult to make him to be of that Opinion; yet he thought fit to demand of him what those Propositions were which he had delivered to the Protector, concerning the nearer Alliance, which the Ambassador readily shewed him; and the same imported, To have a Defensive League, *Contra omnes Gentes*, and Offensive as to the Maintenance of the Treaty of *Ausburg*; That the Protector should contribute

bute 200000 *l.* per Ann. to that Design, when undertaken; and that the King would have 30000 Foot and 6000 Horse in Service upon it.

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H E R E the Lord Commissioner *Whitlock* asking, why his Excellency put the Business upon Maintenance of the Treaty of *Ausburg*, wherein *England* was no Party; and why rather it might not be against the House of *Austria*, whereof the Emperor was one Branch, and the King of *Spain* another; and then adding, as to the contributing of Money, that he knew the Protector was not in a Condition at that time to spare any, being at such vast Expence at present for the Maintenance of his Navy, and by Reason of the War with *Spain*. The Ambassador reply'd, That he did believe the Protector was at present in no Condition to part with much Money, and there would be some Time before this Design could be set on Foot; by which Time probably the Protector might be better able to spare Money than now he was; and that he thought it would be better Husbandry in *England* to spare 200000 *l.* a Year for this War, which would be a good Diversion, and trouble the King of *Spain* more, than now we did by spending Two Millions a Year upon our Fleets, and in sending to *Jamaica*: That it was true, the Treaty of *Ausburg* did not concern the *English* Nation; but the Protestants of *Germany* were highly concerned in it, and consequently those of all *Christendom*: And that the Emperor having broken the Treaty in many Points, there was a just Ground thereby of falling upon him: And the Reason why he mentioned the Maintenance of that Treaty was,

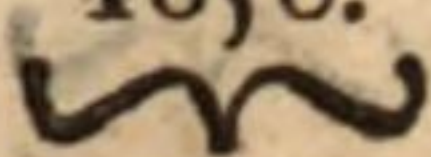
1656. because *France* was already obliged in a Treaty with *Sweden* for the Maintenance of the Treaty of *Ausburg*, and *England* joyning likewise therein, *France* would be engaged with them ; and that Crown was a good Balance. Whereas if the Union with the King of *Sweden* should be against the House of *Austria* and the King of *Spain*, it would cause the Peace, which was so much endeavoured between *France* and *Spain*, to be brought to Effect ; and *France* would hardly be brought into such Union against the House of *Austria*, because it would seem to be too much a Design against the Papists in general, wherein *France* would be shy to join.

H E R E the Lord Commissioner *Whitlock* made a Doubt of any great Advantage that should accrue to *England* by the King of *Sweden*'s falling upon the Emperor, which would but little concern the War between us and *Spain*, and scarce give us any Advantage thereby against *Spain*. To which the Ambassador alledged, That *Spain* was so much concerned in any Thing relating to the Emperor, that he must support him to support himself ; and whosoever fell upon the Emperor made *Spain* his Enemy, and hindred from him the Supplies which he constantly had, especially of Men out of *Germany*, and did put *Spain* under an Obligation of supplying and assisting the Emperor, by which a Diversion would be made to the great Advantage of *England*. And *Spain* once appearing (as undoubtedly they would) for the Emperor, *Sweden* and they presently would become Enemies ; and all the Commodities of the King of *Sweden*, which were of necessary Use to *Spain*, would be restrained from

from them, without which they could not
subsist ; and there would be no need of spe-
cifying Pitch, Tar, and Hemp, to be Con-
traband Goods. 1656.

TO this the Lord Commissioner *Whitlock* reply'd, That *Germany* was at a great Distance from *England* within Land, and we could have nothing to do with them by Sea ; that if the Emperor should be attack'd by the King of *Sweden*, probably *Spain* would assist him, but so covertly and craftily, that neither *Sweden* nor *England* could take any publick Notice or Advantage thereof : That in case the King of *Sweden* should march towards *Flanders*, that would make the King of *Spain* look about him indeed. To this the Ambassador said only, That there was a large Country to pass over before they could come to *Flanders* ; but that in time something might be done : He said, That *France* had got well by that Treaty of *Ausburg*, and so had all Countries that had been in Alliance with the Crown of *Sweden*.

THE Lord Commissioner *Whitlock* rejoyn'd, That he was sufficiently satisfied of the Honour and Justice of that Crown in those Publick Transactions ; and that the Protector was as careful to preserve his own Honour, and the Faith of the Nation in those Treaties he had made with other Princes and States ; and that was the Reason which caused him to be so careful, that the *Dutch* might be included in such Treaties as he should make with others, because there was an Article to that Purpose in the late Treaty made with them, which he was as careful to observe as all his other Alliances, and that might the more satisfy the Ambassador in respect

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respect to a just Performance of what was, or should be agreed upon with his Master. To this the Ambassador replied, That he did believe as much ; but was of Opinion, That the Article, mentioned in the late *Dutch* Treaty, did not restrain the Protector from making a nearer Alliance with *Sweden* without them ; but that when it should be made, then they were by that Article to be admitted into such new Treaty, if they pleased. And thereupon they read over together that Article of the *Dutch* Treaty, which seemed to carry the Sense that was observed by the Ambassador ; who said further, That there was no Intention of excluding the *Dutch*, or the King of *Denmark*, or any other Protestants, out of the intended Union ; but that they should be admitted and invited into it : And he believed they would be the sooner brought into it, if they first saw *Sweden* and *England* unite together ; whereas to have a general Meeting and Treaty first, would be very difficult, if not impossible, to be effected ; that several Interests would draw several Ways ; but if they saw the King of *Sweden* and the Protector once conjoined, it would be the strongest Argument in the World to perswade the rest into the same Union, and such as would oppose it ought to be taken as Enemies : That the King of *Denmark* was now upon a Treaty with the King of *Sweden*, whom he would not disturb ; and had not yet concluded it, by reason of *England* desiring first to hear from the Protector about it. That the Emperor had now no fear of the King of *Sweden*'s troubling him, as appear'd by his sending at this time 15000 Men into *Flanders* for the Use of the
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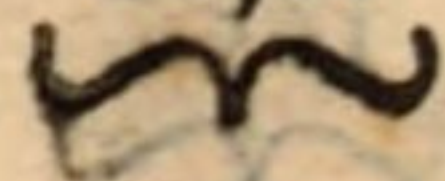
1656.

King of *Spain* ; which Body of Men he would not have sent out of his own Country, if he had suspected the King of *Sweden* had a Design to fall upon him ; and that no Prince in *Christendom* had offered to espouse the Protector's Interest as his Master had done, which deserved to be regarded by him.

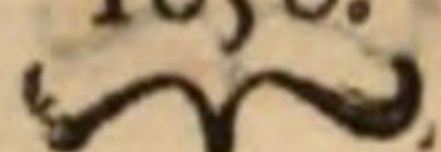
T H E Lord Commissioner *Whitlock* answered, That the same was as much regarded by the Protector, and deservedly ; and that no Nation in *Europe* was of so much Consideration to the King of *Sweden* as *England*, especially in regard to their Men and Ships : And although they had not Money to spare at that Time, it was not because of the Poverty of the Nation, but by Reason of their present and extraordinary Expences about their publick Affairs, especially of their Navy, whereby the Strength of the Nation was encreased. The Lord Commissioner *Whitlock* had likewise some Discourse with the Ambassador concerning Commissioners to be appointed on both Sides, to consider of the Damages sustained in the last War with the *Dutch*, and to give just Restitution : Wherein Commissioner *Whitlock* proposed, That it might be convenient for those Commissioners to have likewise a Power, if any Ships on either Part were brought in, to examine the Matter speedily ; and, if any Wrong was done, to award Satisfaction by the offending Party ; and that the Admiralty-Court (of which his Excellency had so much complained) should not be troubled with those Matters, but in Cases of Difficulty or Matters of Law, which could not well be determined by the Commissioners.

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THIS the Ambassador seemed to like well, and said, He would consider of it. They had much other Discourses of Passes and Contraband Goods, and other Particulars of the Treaty on foot; wherein the Ambassador kept to the same Topick he had formerly insisted on. *Whitlock*, in the Afternoon of the same Day, went to *Whitehall*, to give an Account of the Conference to the Protector; but he being gone abroad, he communicated the same to *Fiennes* and *Thurlo*, and they had a long Discourse and Debate together about the Business; wherein the Lord Commissioner *Whitlock* told them, That he had excused the Commissioners not attending the Ambassador upon the Day appointed, as they designed; and after he had given them a full and clear Account of the Discourse he had had with the Ambassador, he desired them to observe, That the King of *Sweden* was willing to fall in with the Protector's particular Interest, as well as with the Interest of the Nation; and that he thought nothing could more considerably contribute to the Security of it, and of the present Government, than Union with *Sweden*: That the *Dutch* had not an equal Affection to it, but were most of them in their Hearts the Protector's Enemies, and waited only for an Opportunity to shew it: That their present Preparations of a Fleet of Eight and thirty Men of War was not to be slighted, especially since the Emperor had sent Fifteen thousand Men into *Flanders*: That they were at that time Friends with *England's* Enemies, the *Spaniards*; and that if an Opportunity were offered, now that we had but a few Men of War at home, whereby they might bring

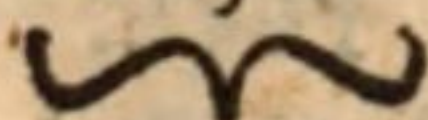


bring considerable Advantage to themselves, they would be apt enough to lay hold on it.

T H E N he gave it them as his Opinion, and a Thing that he thought, at the Distance he stood, very advisable, That the *Swedish* Ambassador should not be dismissed, with any just Cause of Discontent to himself, or his Master; but that they should comply with him, so far as possibly they could, in their own Judgments, and all Things that stood for the Interest of the Nation, wherein both of them seemed to agree.

B U T *Thurlo* insisted it to be reasonable, That Pitch and Tar, Hemp and Flax, should be Contraband Goods during the War with *Spain*: From whom Commissioner *Whitlock* differed; and so much the more, because we had no War with *Spain* at the Time when Contraband Goods were to be agreed upon, and specified; and they were the Staple Commodities of the Kingdom of *Sweden*. Then the Secretary saying, That though the *Swedes* should be restrained from carrying to or vending them in *Spain*, yet they might to any other Nation; and there would besides be Vent enough for them: This, Commissioner *Whitlock* notably observed as an Argument for the contrary, because other Nations would certainly supply *Spain* therewith, though the *Swedes* were forbid to export them thither. The Secretary replied, That let them be embarked on what Ship they would, they would be made Prize of. *Whitlock* answered, That the *Lubeckers*, *Hamburghers*, and *Dutch*, would pretend to be bound for *Lisbon*; and that then, when they were past the *English* Search, they would transport them into *Spain*. *Thurlo* laying hold

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hold of this, as an Argument against the Passes, the Lord Commissioner replied, That it would be neither more nor less upon the Account of the Passes; but that he thought it just the Form of the Passes should be agreed on, because it was so with other Nations, and a Thing agreed on by the Treaty formerly made.

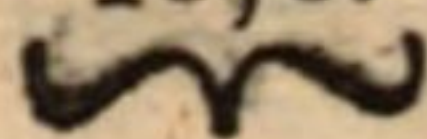
FIENNES hereupon taking up the Matter, and saying, That they had it in their Power to agree on no other Form, but what should contribute little or nothing to the Benefit of the *Swedes*, the Lord Commissioner *Whitlock* would not allow that to be Honourable for them to do; and he thought those Passes would redound more to the Advantage of the *English* than of the *Swedes*, because we had many more Merchant-ships than the *Swedes* had: But Mr. *Thurlo* urging, That these Passes would be of Use only to us in the *Baltick*, whereas the *Swedes* would have the Benefit of them in all their Voyages Southwards, upon the same Reason they delivered their Opinions against that Proposal, That a free Ship should make free Goods, which the Secretary said, would encrease their Shipping very much, and other Nations would sell, or build them Ships, to colour the carrying of Contraband Goods to our Enemies. The Lord Commissioner *Whitlock* concluded the Conference, and said, We should at present reap greater Advantages than they; but that we could not carry Goods to their Enemies, *Poland* having then no Harbour at all; and for *Germany*, the Emperor had none at any time: But as to what might happen hereafter, no Judgment could be made at that Time.

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THIS Conference being over, *Whitlock* and his Two Fellow-Commissioners went in the Afternoon of the same Day to the *Swedish* Ambassador's House, where Mr. *Jessop*, one of the Clerks of the Council, by their Direction, read the new Articles in *English*, as they were drawn, according to the last Resolves of the Council: After they were read, the Ambassador said, That he desired to be excused, if he should mistake any thing of the Sense of them, they being in *English*, which he could not so well understand as if they had been in *Latin*, which they must be put into at last: But he did observe on the sudden, amongst other Things, That the Specification of Contraband Goods did contain in it Pitch and Tar, Hemp, Flax, and Sails; these were the great Commodities of his Master's Country, and to be restrained from a Trade with them to *Spain*, or any where else, would be of very dangerous Consequence to his Master. That they were never yet in any Treaty, made with *Sweden*, allowed as Contraband Goods; and if they should be now allowed so, it would be to the extraordinary Prejudice of the Crown of *Sweden*; and if allowed in this Treaty with *England*, then another Nation would expect the like. And that in the Treaty with the Lord *Whitlock* at *Upsale*, it would by no means be hearkened unto, as he very well knew; and he had seen a Paper, which was given to Mr. *Boneale*, the King of *Sweden's* Commissioner in *England*, of Contraband Goods, wherein these particular Goods were not inserted; and that he did think the King would be very hardly drawn to consent to any such Thing.

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THE Ambassador having in this manner begun the Discourse, it will be proper to insert the Substance of what others said upon this Occasion, as well as the Lord Commissioner *Whitlock*, though he had the greatest Share, for the better understanding of the Matter; and therefore *Fiennes* took the Word, and answered, That the Articles were brought in *English* for saving of Time, and that they would be put in *Latin* when his Excellency should desire it: That as to the specifying these Goods to be Contraband, it was much debated in Council; and they could not satisfy themselves, but that it was fit to be insisted upon during our War with *Spain*: That there could be nothing of greater Advantage to our Enemies, or Prejudice to us, than to furnish him with those Goods which were so necessary for his Supply, and without which he could not carry on his War against us, which was a Naval one; and that therefore the Council thought it reasonable to hinder him from those Supplies as much as might be; and that in case the King of *Sweden* should have any Thing to do with the Emperor, that it would be his Advantage likewise not to afford those Supplies to the King of *Spain*, who wanted nothing more than those Commodities.

THE Lord Commissioner *Whitlock* said, That at *Upsal*, when Mention was made by him of those Commodities to be Contraband Goods, both the old Chancellor, and his Son the now Chancellor, would by no Means debate that Point, saying, it was not to be mentioned, which was one of the Reasons why he thought fit to refer the specifying of them to the Council here; and added, That he

he was of the Committee of Parliament who treated with Monsieur *Boneale*; and that it was true, That in the List of Contraband Goods given in to him, these Commodities were not expressed, nor was there any Mention made to the contrary; but the Council of State, whereof he was then a Member, did reserve that Particular to their own Judgments; and that if they took any Ships whatsoever carrying such Goods to the *Dutch*, their Enemies at that Time, they did make bold to bring them in, and to prevent that Supply to their Enemies.

T H E Ambassador then urged, That surely if the then Council had been of Opinion, that such Goods were Contraband, they would not have left them out of the List given in to the King of *Sweden's* Commissioners; and that Cloth (a Thing mentioned by him before) was necessary for the Soldiers of every Army; yet if he should insist upon Cloth to be Contraband Goods, so as that none should be carried to the King of *Poland's* Army, or to any of his Enemies, he did believe, that, it being the great Commodity of *England*, they would hardly be drawn to consent unto it; and the same Occasion was for Pitch, Tar, and Hemp, being the great Commodities of his Country. *Fiennes* answered, That Cloth was no Weapon for Soldiers to offend with, nor could be made use of for that Purpose: That Corn was as necessary, and other Victual, for the Soldiers, as Cloathing; and that yet we had not specified that to be Contraband Goods no more than Cloth: That he never saw the List given to Monsieur *Boneale*, and therefore could say nothing to it; but now that we
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1656. were upon a particular Agreement what Goods should be said to be Contraband, and if we did permit these Commodities to be free, the Council were of Opinion, That it would be much to our Prejudice in this War with Spain.

MONSIEUR Coyett then spake in Latin, (perhaps thinking our Commissioners were not capable to answer him) That Pitch, Tar, and Hemp, were not in their own Nature, nor by the Law of Nations, esteemed Contraband Goods; and that they were of Use for Men in Civil Things, and other Uses which were not Military, but for the well-being of Men; and were also useful for Merchandize, as well as for Men of War, and therefore not to be accounted, nor ever were esteemed, Contraband Goods. To which Strickland briefly replied, That Guns were also useful to kill Birds, and yet were esteemed Contraband Goods.

WHITLOCK answered Monsieur Coyett in Latin, That he did not know of any Law of Nations at all, properly so called, and binding universally; but that certain Things were generally admitted, and received by most Nations, and particularly relating to Treaties, to Merchandize, to Matters of War, and to Maritime Affairs: That he had not found or heard of any Law that did define Contraband Goods, nor any that naturally might be called such; but that they were to be esteemed such, or not, according to particular Stipulations: That the Word *Contraband* came from the old French Word *Ban*, which signified an Edict, or Proclamation, as *Ban*, *Arriereban*; and *Contraband* was as much as to say, *Contra Edictum vel Proclamationem*,

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clamationem, which was agreed upon by the Nations concerned, and according as their Interest leads them, as Occasion required; and he thought that these Commodities could not so properly be termed Contraband, or not, in their own Nature; but the Denomination must be given by Agreement, and not otherwise. Now *Fiennes* said, That certainly Contraband Goods were only such as were agreed to be so; insisting, That in our late War with the *Dutch*, they did by publick Proclamation forbid the bringing of these and other Commodities to *England*, and did seize upon them, if they found any bringing hither to us; and if we should permit these Commodities to be carried by the *Swedes* to *Spain*, the *Dutch* would expect the like Liberty, and so our Enemy would be supplied by our Consent. The Ambassador said, It was true that the *Dutch* did make such a Proclamation, as was mentioned in the Time our War with them; but that no Nation did ever acknowledge the same to be binding; and that the *Swedes* at that Time, in Spite of their Proclamation, did bring those Commodities into *England*, and supplied us in our greatest Want of them; and that it would be hard now to restrain the *Swedes* from trading to *Spain*, or elsewhere, with those Commodities, which were never heretofore reputed Contraband Goods.

SOME other Discourse passed between them on this difficult Affair; and the Lord Commissioner *Whitlock* more particularly informed them, That he had formerly perused most of the Treaties which *England* had made, and had three Manuscripts of Treaties and Transactions between *England* and *Swe-*

1656. *den*, and between *England* and *Denmark*, and other Northern Parts, which the old Chancellor had looked into with much Pleasure: That he could not charge his Memory with the Particulars of those Treaties, because, since his Service was not held useful in Matters of that Nature, he had wholly laid them, and the Thoughts of them, aside; but that, if he was not much mistaken, in some of those, especially with *Denmark*, Pitch and Tar, and Hemp, were not enumerated among Contraband Goods; and if his Excellency thought it might be of ill Consequence to be now put in the Treaty, there might be a private Article for that only.

THE Ambassador was against any such private Article; and having at last told them, That he knew of no other Expedient in that Matter, but what he had privately told the Protector: They let the Matter rest there, and entred into a Conference about the Passes, in which the Lord *Whitlock* acknowledged, That the Passes were much insisted upon at *Upsal*, and that he was very glad he had not there agreed upon a Form, seeing the Council at home did find it so difficult a Matter: That he was there acquainted with many Complaints against the Proceedings in our Court of Admiralty, and that he thought no Way the better to prevent the like Complaints hereafter, than by having such Commissioners on both Parts, to regulate all Matters in Dispute, as some of the Company had before proposed.

ABOUT this time, one *Momma*, a Merchant, having presented a Petition to *Oliver*, That having by himself and his Agents used
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the Trade of making Lattin Wier, and Black Lattin of all sorts, out of Copper, to the great Benefit of the Government, in the Increase of Brass for casting of Cannon, and many other Uses: But that the King of *Sweden*, for the Incouragement of that Manufacture in his own Country, had raised his Customs upon Copper from thence exported from 7 s. to about 27 s. Sterling *per* Hundred weight: He pray'd Relief in that Matter; and the Protector having referred his Petition to the Consideration of the Committee of Trade, they ordered the Lord Commissioner *Whitlock* to attend them, enquir'd the Reason of raising the Imposition upon Copper in *Sweden*, what Course might be found out to lower it to the former Rate, and to preserve the Manufacture of Lattin Wier in *England*.

WHITLOCK, who was ever forward to contribute all that in him lay for the Advancement of the Trade and Benefit of his Country, even amidst the Turmoils of the most irregular Times, told them, That he supposed, the Reason why the King of *Sweden* raised that Imposition upon Copper, was his extraordinary Occasions for Money, especially in that time of War; and that he was a free Prince, who might lay what Impositions he pleased upon the Commodities of his own Country; that in order to the reducing of those Impositions to their former or any lower Rates than they now were at, he knew of no Way, but either to see what might be done in the Treaty now on Foot with the *Swedish* Ambassador in *England*, by way of ascertaining those and

1656. other Impositions, or by buying up all the Copper at a certain Price.

THAT it had been usual in former Times, in our Treaties with *Spain, France,* and other Nations, to agree with them what Impositions should be paid by the *English* upon the Commodities they brought from those Countries; That Trade was much promoted by it; that the Merchant was at a certainty, as to the Customs he was to pay beyond Sea; and that the Government here, knowing what the Merchant was to pay abroad, (as particularly for Wines) was wont to set a Price upon the Wines sold in *England*.

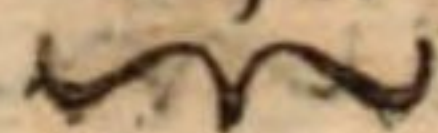
THAT as to the Buying up of all the *Swedish* Copper, he said, It would be in his Opinion of very great Advantage to *England*, provided it might be got upon reasonable Terms; and that it might be effected, he had the more Reason to believe, because he himself had had some Conference about it with some of the *Swedish* Ministers when he was Ambassador in that Country, and did find them to be inclinable to make such a Contract, that they had in former Times entred into such a Compact with the City of *Lubeck* in *Germany*, who acquired great Wealth by it: Since they became the only Merchants that dealt in Copper, and had also the entire Manufacture of making it into Brass among themselves, which they vented at their own Prices into all Parts of *Europe*, nay vented some of the same back again into *Sweden*: But that *Gustavus Adolphus*, finding that this Bargain turned to the
Loss

Loss and Detriment of *Sweden*, would not permit the *Lubeckers* to prolong the Time of their Contract, but got the Brass Manufacture into his own Country; and so the *Swedens* sold their own Copper to the several Merchants that resorted thither for that Commodity.

THAT *England* had greater Advantages in this Respect than any other Country, by reason of the Plenty we had of *Lapis Calaminiaris*, by which Copper was turn'd into Brass, that there was not such a Quantity of that Mineral in any Part of *Europe* as we had; that he knew of none but in *Bohemia*, which required so much Land-Carriage before it could be brought to any Sea-Port, that it would hardly quit the Cost: That in Case they could have the sole Vending of Copper and Brass, they might set their own Rates upon it; that they might supply themselves, and no other but whom they pleased, with Brass Cannon, which was much more useful, especially for Shipping, than Iron; and that it would bring the Manufacture of Lattin Wier, and all other Brass Manufactures, solely into our Hands, and be of vast Consequence to the Nation, as well in point of Profit as Security.

HE farther told them, That he had had some Thoughts himself of dealing in that Commodity, if he could have had other Persons of Substance to joyn with him therein; but that they found great Difficulties for private Men to go through with such a Business, without the Concurrence and Assistance of the Government, especially in respect to the Casting of Cannon.

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THAT he had acquainted some of the Council with this Business, as a Matter worthy the Consideration of the Lord Protector and the Republick, but that he found they had not Leisure enough to think further of it; and that therefore having communicated his own Judgment in relation to that Affair, as he conceived he ought in Duty to have done, and nothing done pursuant to it, he submitted the Whole to the Judgment of others, who, he supposed, knew the Matter, or the Reasons of Publick Affairs, better than himself: But that now having received the Command of that Committee to attend them in an Affair that related to Copper, he thought himself obliged fully to Communicate his Thoughts to them about it, and he conceived it to be a Matter that was very proper for their Consideration.

NOW some of the Committee having been pleased to ask the Lord Commissioner *Whitlock*, What quantity of Copper might belong to the King of *Sweden*, and what to his Subjects, and what Payments might be expected for it, and the Terms upon which we might Contract for all their Copper? He answered, That the King of *Sweden*, in Right of his Crown, had the Propriety of most of the great Mountains where the Copper-Mines were; that all the Copper digged out of those Mountains, of which the Soil or Royalty belonged to him, was his Majesty's particular Estate; and yet that a Tenth of all the Copper belonging to any of his Subjects, and dug out of their particular Mines in their several Estates, was paid the King; and that, by a late Composition for Customs, Impositions, and other Duties,

1656.

Duties, they had agreed to pay a Fifteenth, or thereabouts, of all the Remainder, to the King ; so that there was but a small quantity out of his Majesty's Disposal ; and he guessed the whole Quantity might amount to 250000 *l.* or 300000 *l.* per *Annum.* in Value, or thereabouts.

THAT their Way in *Sweden* was to carry their Goods in the Winter Season by Sledges on the Ice, the Summer being so hot that they could not travel, nor their Cattle work ; and the Frost was so hard, that the Ways were then best ; and so they brought their Copper to the Sea-Ports, where it lay ready to be Shipp'd off in the Spring, when the Ice was gone, and that Ships could sail into those Seas ; that he was told they would expect One Half of the Money down, before the Copper was put on Board, when it was ready for them ; and the other Half at the Arrival of the Ships in *England*, and would be contented to take Bills for the Payment of the Money at *Hamburg*, *Lubeck*, or some other of those Towns that were not remote from the *Baltick* : But what Terms they would then expect, he knew not, the Business having lain Dormant for some time.

THE Committee, who generally approv'd of that Proposal of Buying all the *Swedish* Copper, said, That they never heard any Thing offered more to the Honour and Advantage of the Nation than this seemed to be, and desired the Lord Commissioner *Whitlock* to set both Proposals down in Writing, which he then did ; and the same being approved of by them, and ordered to be drawn up in the Form of a Report from the Committee to the Protector, the Lord Commissioner
Whitlock

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Whitlock was voted to present it; and the Gentlemen of the Committee, who were more numerous than usual, desired to accompany him with the Vote to the Court. Being admitted into the Protector's Bed-Chamber at *Whitehall*, the Lord Commissioner *Whitlock* acquainted him, That those Gentlemen and himself, who were Members of his Highness's Committee of Trade, were Commanded by that Committee to present to his Highness a Report from them, and that upon a Reference which he was pleased to make to that Committee of the Petition of one *Momma*, which was annex'd to the Report; and the Lord Commissioner offered to read that Report to him, but *Oliver* took and read it himself, and then said, 'My Lord *Whitlock*, You are one of the Commissioners to treat with the *Swedish* Ambassador, and therefore I hope you will take Care of that Particular of your Report in the Treaty with him: And as to the Buying of the *Swedish* Copper, the Council shall be acquainted with that Proposal, who will take it into their Consideration, and advise with some of the Committee of Trade about it, and do what shall be thought proper in it: That it seemed to be a Matter of Moment, and would require Deliberation, and good Advice.

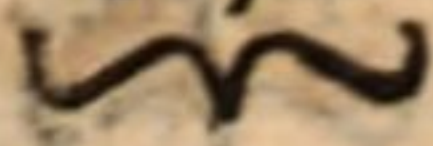
THE Lord Commissioner *Whitlock* took Occasion, from the Protector's Words, to acquaint him with the great Concernment of that Affair in respect to *England*, and the Trade of it, and to the Increase of Copper and Brass Manufactures, which by that Means would be solely in the Power of our Nation; and also in relation to our Safety,
for

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for by that Means we should be much better stored with Brass Cannon, which would be of great Moment to the Navy, and for the furnishing of such of our Neighbours with it as was thought fit.

HAVING proceeded in this Discourse to the Protector, much to the same Purpose as in that wherein he gave the Council of Trade a Narrative of his Observations in respect to the *Swedish* Copper, and the Manufactures already mentioned, we shall not Recapitulate the same in this Place; but go on to observe, That notwithstanding the Usefulness of this great Man to the Government then in being, and the great Sincerity wherewith he served it, and the Ministers at the Helm, whenever he was called upon to do it, he could not live without Enemies: And General *Fleetwood*, about this time, was so generous and frank as to tell him, That he had some Enemies at Court, who were active to keep him out of the Council; and that they had Two Objections against him: First, That in the Treaty which he had concluded with the Crown of *Sweden*, he had consented to grant Passes to Ships, which the Council in *England* said would be very inconvenient for our Affairs, especially now that we had War with *Spain*; and that he had consented to the Specification of Contraband Goods, which would also be very inconvenient in relation to our War with *Spain*: Secondly, That he was by Profession a Lawyer; and they would let the World see, that their Counsels might be carried on without the Wisdom of Lawyers, which would but trouble and interrupt their Proceedings, by telling them what was Law
upon

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upon every Occasion, and that their Affairs would not permit them to bind up themselves to those Rules of Law.

THE Lord Commissioner *Whitlock* answer'd, That as to the Matter of Passes, it was in his Judgment reasonable and fit they should be granted; and they were such as had been granted between other Nations, and the Form left to the Council to be agreed on in *England*, which they might make as strict as they pleased; and that tho' we had now War with *Spain*, yet we had none with them when this Article was made; nor could it be divined at *Upsal*, that we should have War with *Spain* Two Years after this Article was agreed on: But that if it were thought inconvenient, Why then was it confirmed among the rest by the Protector, and his Council? And that not suddenly, but after a strict and near Disquisition and Examination of every Article of the Treaty by a Committee of Council, who compared them with the Powers and Instructions given to the Lord *Whitlock* when he went Ambassador; and made a Report to the Council, That they found nothing done by the Ambassador contrary unto, but pursuant and according to the Instructions given him, and to the Advantage of the Government.

THAT the Council, and the Protector, had unanimously confirmed the Treaty made by him at *Upsal*; and afterwards his Highness sent an express Envoy, namely his own Kinsman Mr. *Rolle*, with the Ratification of that Treaty, under the Great Seal of *England*, to his Majesty the King of *Sweden*; but that now after Two Years there breaks out a War between *Spain* and *England*, begun by us,
and

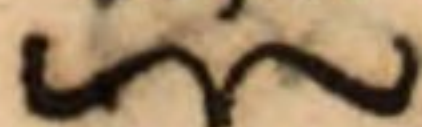
and was in our Power to prevent, one or two Articles in the Treaty, made so long before, may prove inconvenient in respect to it. This will be found by indifferent Men to be an Objection of no great Weight against the Treaty, nor will it lay the Ambassador under any Blame that made it. 1656.

THAT the Article of Contraband Goods was upon the same Ground to be excused as that of Passes, both of them being equally left to the Council to specify the Particulars, and after Examination likewise confirmed; with this Remark, That seldom any Treaty was made without the Specification of them: And that the late Council of State did give in a Paper to Monsieur Boneale, the Queen of Sweden's Commissioner in England, specifying Contraband Goods during the time of our War with the Low Countries; which was a Warrant and Precedent for the Lord Ambassador Whitlock to do the like.

AS to the Second Objection, concerning his being a Lawyer, That he accounted his Profession his greatest Honour, and that it did not make him the less capable of serving his Country, as the late Long Parliament thought, by whom he was constantly chosen to be of the Council: And that former Ages had the same good Opinion of his Profession, but that if the present Age were wiser than our Ancestors, it was because they had 20000 Men in Arms to prove them so; and that if they disliked the Profession of the Law, it was because the Law was the only Opposer of unlimited Will, and Arbitrary Power, which did not like to be curbed.

And

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And that he thought it was no great Unhappiness to him to be out of those Publick Transactions of that Time, which he conceived might not prove, in case of another Change, wholly free in themselves from all manner of Objections ; and perhaps in some Particulars, wherein the Trouble of being informed, that they were contrary to the Law of *England*, would not have tended to the Prejudice, either of the Actors, or of their Actions ; but that in time it would be understood, that the Law was a good Bulwark of the Rights of the People of *England*.

THE Lord Commissioner *Whitlock*, having spoke in this manner honestly and frankly in Vindication of himself and his Profession, and by the by given a Home-Rub to those, who would govern quite after another manner, than once it was thought they would never have pretended to ; he, upon the *Swedish* Ambassador's renewing his Complaints about the Delays that were made in the Treaty, pursuant to the Summons given him, met *Fiennes*, *Strickland*, and Secretary *Thurloe*, at the Council Chamber, where they spent about an Hour in considering the several Particulars of the Treaty on Foot with the *Swedish* Ambassador ; his Proposals of altering some Points formerly treated on with him, and the Councils Votes thereon. They went all from thence to the Ambassador's but the Secretary ; and Compliments being passed, they fell to their Business, and most of the Alterations proposed by the Ambassador, being but Difference of Expression only, were agreed. The main Things upon which they differed were, Whether Pitch, Tar, Hemp, &c. should

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should be Contraband Goods, or not? The Ambassador was earnest, That they should not; and enumerated the Arguments and Reasons he had given upon this Point, and said, That his Master could not Consent unto it, for Example-sake to others.

FIENNES having urged the Vote and Resolution of the Council, upon a grand Debate about these Things being Contraband, in the present Conjunction of a War with *Spain*, which could not subsist without these Commodities, and the Ambassador alledging the great Inconveniency it would be to their Trade, if it should be allowed, and other Matters: The Lord Commissioner *Whitlock* answer'd, That at the Treaty of *Upsal* it was only agreed in general, That there should be a Specification within Four Months; in which Time there was no Minister in *England*, on the Part of *Sweden*, to agree to a Denomination of Particulars: That it was left to a future Agreement to Specify them, and no Particulars were agreed upon at *Upsal*: That since that Time there was a great Change, both in our Affairs, and in those of the King of *Sweden*, which must necessarily be regarded in the Specification of Contraband Goods; and that our War with *Spain* did require a special Care, that we should not suffer them to be furnished with such Commodities with which they would most Offend us, as the Lord *Fiennes* had declared: That if the *Swedes* had little Traffick to *Spain*, his Excellency might, with the less Prejudice to them, agree, That these Commodities should be Contraband: That the Paper was given to Monsieur *Boneale*,
when

1656. when we had no War with *Spain*, or any other Nation; and perhaps the Commodities not then in Debate.

NOW *Fiennes* proposing the former Design, That our Merchants should buy up at a certain Price all those Commodities from the *Swedes*; the Ambassador replied, That would require a long Time to alter the Factors, Assignations, Places of Shipping, Price, and the like: The Lord Commissioner *Whitlock* said, The same Goods, at the same Place of Shipping, and at a certain Price, all to be Vended, he thought would be quickly agreed upon by private Men for their own Advantage.

NOTHING being concluded on in respect to this Particular; the next great Debate was upon the Matter of Passes, which the Ambassador said, were necessary to be had, and agreed upon, else his Master's Subjects must be still great Sufferers, and be highly oppressed, as they had been in the time of our War with the *Dutch*; and he grated much upon those Injuries which could not be prevented but by Passes, which were expressly agreed upon by the Treaty of *Upsal*.

HEREUPON the Lord Commissioner *Whitlock* said, That in *England*, and other Countries, People were apt to lose their Sight in their own Cases; and that when both Sides were heard, the same appeared to be true; and he did believe the like appear'd when both Parties came to be heard in those Cases, whereof so much Complaint had been made by one Party only to his Excellency. And the Article for Commissioners on both Sides, to be appointed both for past
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and future Injuries, to give a just Satisfaction, he did believe, would prevent the like hereafter, and be of great Advantage to both Nations. 1656.

T H A T what was agreed at *Upsal*, did appear in the Articles of that Treaty, which, as to Passes, did consent, That there should be such, and the Form only referred to a future Agreement; and that there was nothing else but the Form to be agreed on; which seem'd difficult enough, by reason of Frauds and Counterfeit Ones, under Pretence of which, other Nations would carry prohibited Goods to our Enemies; and by reason of the Change of Affairs since that general Agreement, there must of necessity be greater Care taken to avoid the Inconveniencies which might arise by those Passes.

T H A T the Proposal of empowering Commissioners on both Sides to hear and determine all Differences upon the bringing in of any Ship suspected justly to have a false Pass, or prohibited Goods on Board, would prevent the Delays and Injuries complained of, and be a Means the better to preserve the Amity of both Nations.

H E R E the Ambassador, with some Quickness, reply'd, That by the Treaty of *Upsal*, (and of Necessity it must be so) a Ship, shewing her Pass, was not to be troubled any farther, nor to be brought in at all, but permitted to proceed in her Voyage without any Visiting or Examination. The Lord Commissioner *Whitlock* made answer, That by the Words of the Article of Passes in that Treaty, the Ship shewing a true Pass was allowed to pursue her Voyage; but if there was just Cause to suspect she had a
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1656. Counterfeit one, or prohibited Goods on Board, there were no Words in that Article that did forbid the bringing in of such a Ship, but provided, That such should be punished; which could not well be without an Examination; nor could the Matter be examined, unless the Parties concerned were brought in before the Judges who were to examine them; and that it would be more for the Advantage of both Parties to be brought only to *Dover, Plymouth, Hull*, or other convenient Port Towns, and before Commissioners, whereof some were their Countrymen, than to the Court of Admiralty, against whom they had made so many Complaints before.

SEVERAL other Matters were debated amongst them; but it growing late, they came to no Conclusion, but each insisting upon their own Opinions, little was agreed on, but only that they should meet again the 13th of *May*; at which time they had a long Debate with his Excellency upon the former Points not agreed on: First, About the enumerating amongst the Contraband Goods, Pitch, Tar, Hemp, &c. to which the Ambassador would in no wise yield, and dilated upon the same Arguments he had before urged on this Head; adding this, That it was known to the Lord *Whitlock*, That in *Finland* it was their chief Commodity, which if they should not vend Yearly, having great Quantities of Pitch and Tar, the Country could not subsist, nor would the Commodity last above one Year in the Vessels; but by reason of the great Strength of it, being kept longer, it would break the Hoops of the Vessels, and be lost; and if the least
 Restraint

Restraint should be put upon the Vending of it to any Place, the Inhabitants of *Finland* would think themselves undone; and it would be a greater Prejudice to their Trade; besides, if it should be forbidden to be carried to *Spain*, it would cause the *Spaniards* to seek out elsewhere for Pitch and Tar, and possibly it might be had in *America*; and if that should come to pass, it would wholly overthrow the Trade of *Finland*. 1696.

FURTHER he said, That in Case the *Spaniard* should want their Pitch and Tar, yet he had the Oil of a certain Fish, which he could make use of instead of Pitch and Tar, which would turn to the great Prejudice of his Master's Subjects.

AFTER *Fiennes* had answer'd as formerly, and said, That if the *Swedes* had so little Trade with *Spain*, the forbearing of it during our War would be the less Prejudice to them. The Lord Commissioner *Whitlock* told them, That the Pitch and Tar in *Finland* was to be had in great Quantities, and better, and at lower Rates, than it would be had from *America*; and so long there would be no Danger to the Trade of that Country: And for the Oil of the Fish that the *Spaniard* might make use of, it was perhaps in Case of Necessity, when they could not get Pitch and Tar; which was so much to be preferred before that Oil, that it would never be made use of, if they could get the other. He also seconded a Proposal made formerly by *Fiennes*, That some Declaration should be agreed on, that Pitch and Tar was not determined one way or another as to Contraband Goods, but left alone, till the King's Pleasure was known about it;

1656. and in the mean time it should not be taken
 to be omitted as not Contraband Goods,
 which last Part he thought might be left out
 of the Declaration. This was thought wor-
 thy Consideration by the Ambassador; and
 from thence they went to the Point of Passes:
 Wherein the same Arguments were used as
 formerly on both Parts, the Ambassador
 much enlarging himself in the Repetition,
 and affirming also, That both the Matter of
 Passes and that of Contraband Goods, were
 once agreed upon, as now he desired, and
 as he could prove; tho' now the War be-
 tween us and *Spain* had occasioned us to stand
 upon these Alterations on our Part.

STRICKLAND mistaking the Am-
 bassador, and being very ready to know any
 thing which might reflect upon the Lord
 Commissioner *Whitlock*, asked, Whether those
 Things were agreed in the Treaty of *Upsal*?
 To which the Lord Commissioner *Whitlock*
 replied, That he supposed that Treaty had
 been pursued, and no such Matter would be
 found to be agreed on by it, but in general
 only, 'That there should be a Specification
 'of Contraband Goods, and a Form of
 'Passes to be agreed upon in *England*.

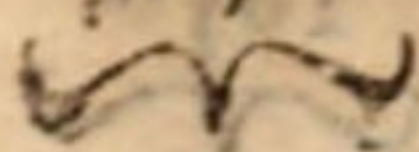
BUT the Lord Commissioner *Whitlock*
 rightly understood these Words of the Am-
 bassador to reflect upon him, and upon a
 Letter, which by Direction here he had writ-
 ten to Mr. *Langerfeldt*, to this Effect: 'That
 'he had presented the Form of Passes, and
 'the List of Contraband Goods, which was
 'delivered to him at *Upsal*, unto the Coun-
 'cil in *England*; and that he did not doubt
 'but there would be a good Agreement a-
 'bout them: " But *Whitlock* having no Copy
 of

of his Letter to Mr. *Langerfeldt*, nor any Writing or Order to warrant it, and the Reflection upon it by the Ambassador not being plainly express'd, nor observed by his Fellow-Commissioners, he thought it best to take no Notice of it himself, and not bring it upon the Stage, but insisted upon the Treaty of *Upsal* in answer to it; and again mentioned the former Proposal of Commissioners to be appointed for Restitution, who might also have Power to determine any Differences arising upon bringing in of any *Swedish* Ship in a Summary Way, and to be resident at convenient Ports near the Sea.

BUT this the Ambassador did not think fit to Assent unto; and it brought in the Debate concerning these Commissioners, wherein the Ambassador insisted to have Rules prescribed to them for Restitution, which he had set down in Writing, and were to this Effect: 'That these Commissioners should give Damages to the *Swedes*, whose Ships had been brought in, and questioned here, during our War with the *Low Countries*, if those *Swedes* should bring before them Certificates from Port Towns, or the Governors of the King of *Sweden's* Territories, that those Ships so brought in were then belonging to the King's Subjects.'

AFTER *Fiennes* had said, That it did not seem reasonable to give Rules now, for that which was done before the Rules were given, and so forth. *Whitlock* alledg'd, The Laws and Rules were not to be made to look back; that the particular Cases, which should come before the Commissioners, were to be considered according to such Circumstances only as were then in Question, when the Business

1656.



ness was formerly under Examination; and to bring supplemental Proofs now, and to procure subsequent Passes and Certificates, might be a Means not only to make Restitution to all the *Swedes*, but to the *Dutch* too.

At length, having agreed at this Meeting, That a Declaration should be drawn up concerning Contraband Goods, as to Pitch, Tar, Hemp, &c. and that they should meet again on the 20th: After Mr. *Fiennes* had repeated some Things that had been urged before concerning Contraband Goods, and said, That the Declaration, by way of Expedient drawn up, and sent by his Excellency to himself, being considered by the Council, they were of Opinion that the same did determine the Question, That they should not be accounted prohibited Goods, and afterwards referred them to a future Determination; and that in the mean time it might occasion Differences and Quarrels upon that Head between the Subjects of both Nations. The Ambassador on his Part endeavouring to maintain the Reasonableness of that Declaration, and saying, That he would not agree to have Pitch, &c. to be specified among Contraband Goods, with a great deal more to the same Effect as before; he concluded, That it was once approved of in *England*, after the Lord *Whitlock's* Return from *Sweden*, That they should be left out of the Number of Contraband Goods, as he could make it appear. And then calling to his Secretary for a Paper, *Whitlock* rightly imagined it to be the Letter written by him. If to Mr. *Langerfeldt* already mentioned; and therefore thought fit to take Notice of it

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it first himself, and said, That he had observed now, and at former Debates, That the Ambassador glanced at a Letter which he had formerly writ to Mr. *Langerfeldt*; and lest more might be apprehended by it than the Letter it self would bear, he thought fit to acquaint them with what it was he imagined the Ambassador intended by those Expressions.

HE told them, That after his Return into *England*, and an Account given by him to his Highness the Lord Protector, and the Council, of his Negociation in *Sweden*, and that the same had been thoroughly inspected and approved, his Highness and the Council thought fit to confirm the Treaty made by him at *Upsal*; and there having been some Debates concerning the Articles about Passes and Contraband Goods, the same were also ratified with the rest: That this being done, he had thought fit to certify Mr. *Langerfeldt* of it, which he did by Letters not long after: And the Ambassador having before intimated something of these Letters, he thought it proper to look out the Copies of them amongst his Papers, and found nothing in them to that Purpose, but only that his Highness and the Council had ratified the Treaty made by him at *Upsal*, and had agreed that there should be a List of Contraband Goods, and a Form of Passports, which was a Part of that Treaty. But that nothing was said in that Letter of the Form of Passports, or List of Contraband Goods, given unto him by the Queen's Commissioners at *Upsal*, or that those were by the Lord Ambassador *Whitlock* delivered in here, or that those were agreed upon by his High-

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ness,

1656.  nefs, and the Council : That he had not the Honour to be of his Highness's Council; and that his Commission, as Ambassador, was then determined ; that he wrote this Letter as a private Man ; and that if it had been as a Person in a Publick Capacity, yet nothing of Weight, as to this Matter, could be gathered out of it, the Words being as he related.

THE Ambassador making no Reply to this, and saying only, That he believed the Lord *Whitlock*, when he was at *Upsal*, would not have insisted, that Pitch, Tar, and Hemp, should be accounted Prohibited Goods. This made Mr. *Fiennes* take Notice, That he perceived that there was a great Debate at *Upsal* concerning these Points, which occasioned the Lord *Whitlock* to refer the Determination of them to the Lord Protector, and his Council. Mr. *Whitlock* own'd all this, and said, He was glad he had done so, and the more, because of the Difficulty now made in *England* about them.

HE did ingenuously confess, That when he was in *Sweden*, *England* being then in War with the *Dutch*, his Judgment was not to insist upon the having of Pitch, &c. to be Contraband Goods, but rather that they should not be esteemed so ; and his Reason was, because the *Dutch* could have them notwithstanding by small Vessels, which would take them in at *Hambrough*, or have them brought from *Lubeck* most part of the Way by Water, except about Twenty Miles by Land to *Hambrough* ; and from *Hambrough* they could in those Vessels bring them down the *Elb*, and from thence by the Flats, which were Shoal-Waters full of Sand on the Coast of

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of *Bremen*, and so along to *Holland*, without going at all into the open Sea, or coming within the Danger of our Ships, which could not get amongst those Flats, nor hinder the *Dutch* from having those Commodities. But on the other side, that they could not be brought to *England* but through the wide Sea, where they were subject to the Dangers of being intercepted by our Enemies; and if he should then have agreed to have them Contraband Goods, he conceiv'd the same would have hindred *England's* being supplied, and not have hindred our Enemies having of them. But now, he said, our War with *Spain* had made a great Difference as to that Matter, because they could not have them well but through the Channel, and we should watch the Conveyance of them.

THERE came on again the Debate about Rules to be prescribed to Commissioners on both Sides, about the seizing of Ships, with Contraband Goods; to which, after Mr. *Fiennes* and the Ambassador had said what they thought fit, the Lord Commissioner *Whitlock* urged, That to give those Rules to the Commissioners, were to make a Law with a Retrospection, and to judge the Cause beforehand; but it would be more equal to leave the Commissioners to judge of all Circumstances, and the whole Matter to be before them, which would not be, if they were tied up by Rules, nor could they then proceed *Secundum æquum & bonum*.

THE Ambassador reply'd, somewhat impatiently, That he should be glad to know, Whether his Highness, and the Council, did intend, or not, (as he hoped they did) that Restitution should be made to those who had suffered

1656. suffered Damage, being our Friends, during our War with the *Dutch*; and that without some Rules to be given to the Commissioners for Restitution, it would be impossible ever to expect any Satisfaction for their Damages.

Mr. *FIENNES* having answer'd, That it did appear that his Highness did really intend, that a just Satisfaction should be made for any Wrongs done, or else he would never have consented to that extraordinary Way of referring it to Commissioners, whereof the One half were to be *Swedes*, when he would have left those Matters to the ordinary Judicatory of the Nation, the Admiralty Court; The Lord Commissioner *Whitlock* added, That the Admiralty Court did proceed according to the Law used amongst most Nations in *Europe* in Maritime Affairs, and was the Judicatory to which both the *English* themselves, and their Friends, were to submit unto; that if they had done any Wrong, the same would be Examinable before the Commissioners; and the Lord Protector had shew'd a very real Desire to give Satisfaction to the King of *Sweden*, and to his Subjects, by consenting to have Commissioners to determine those Matters, which he might have left, if he had pleased, to the ordinary Judicatory of his own People in the Court of Admiralty.

THE Ambassador had some other Touches about Contraband Goods, and Persons bearing Commissions from *Charles Stuart*, (as they then were pleased to call him) but at length, having adjusted all Things in the best manner they could, *Whitlock*, and the other Two Commissioners, met at the Ambassador's House

House on the 17th of *July*, and signed and sealed the Treaty : But more particularly, as to the Transporting of Pitch, Tar, &c. to *Spain*, during the War between *England* and that Country, there was a particular Article agreed on, That the King of *Sweden* should be moved to give Order for the Prohibiting of it, and a kind of Undertaking made, that it should be done. 1656.

THE Protector had granted a Commission, under the Great Seal of *England*, to the Lord Commissioner *Whitlock* and the other Two, to treat and conclude upon the Articles with the *Swedish* Ambassador, which Commission at the signing of them was read, as was in like manner the *Swedish* Ambassador's Commission under the Great Seal of *Sweden*, which empowered him to act in that Grand Affair.

O *LIVER* having thought it expedient to call a new Parliament to meet in *November* this Year, of which Sir *Thomas Widdrington* was chosen Speaker ; and the House, about the end of *January*, taking Notice of the Weakness of his Body, resolved, ' That, during his Indisposition, the Lord Commissioner *Whitlock* should be desired to take the Chair and supply his Place : ' He was brought to the Chair by Colonel *Sydenham* and Major-General *Howard*, and being there set, desired, That since the House had thought fit to Command his Service in the Place on that Occasion, that they would be pleased to interpret all that he said and did with Candour and Integrity ; that they would allow him the Freedom to remind and keep them to the Orders of the House, for the better Service and Honour of it : This being

1656.  ing tacitly assented to, they resolved, 'That
' those Ceremonies and Respects that were
' paid to the former Speaker, should be used
' to the Lord Commissioner *Whitlock*, now in
' the Chair; and that he should have the Pro-
' fits of the Place.

THE Lord Commissioner had a House at *Chelsea*, where by an Order of the House, before he was made Speaker, there was a great Meeting of Learned Men on the 6th of *February*; the Order it self having referred it to a Sub-Committee to send for and advise with Dr. *Walton*, Mr. *Hughes*, Mr. *Castle*, Mr. *Clerk*, Mr. *Poulk*, Dr. *Cudworth*, and such others as they thought fit, to consider of the Translations and Impressions of the Bible, and to offer their Opinion therein to the Committee; and that it should be more particularly recommended to the Lord Commissioner *Whitlock* to take Care of that Affair. The Committee met often at his House, where the most Learned Men in the *Oriental* Languages attended, and made many excellent and judicious Observations of some Mistakes in the Translations of the Bible into *English*, which yet was allowed to be the best of any Translation in the World. They took indeed a great deal of Pains about this Grand Affair, which yet came to nothing by the Parliament's Dissolution.

THE Lord Commissioner *Whitlock*, by his prudent Carriage, was in great Favour with the House; of which Sir *Tho. Widdrington* being informed, and that several private Bills were ready to pass, and particularly for Naturalizing divers Strangers, every one of which was to pay the Speaker Five Pounds for his Fee, Sir *Thomas Widdrington* took the
Chair

Chair again before those Bills were pass'd, 1656.
 being covetous of the Money, tho' to the Hazard of his Life. The Lord *Whitlock's* Friends being sensible of the hard Measure he met with in being thus defeated, and at the same time sensible of his Industry and Dexterity in managing the Business of the House, wherein he had given them great Satisfaction; and of whom it was said, That during the short Time of his being Speaker, by his keeping the Members close to the Points in Debate, he had dispatch'd more Business than they had done all the Time they sat before; they moved the House in his Behalf, who unanimously Resolved, 'That he should have their Thanks for his great and faithful Service in the Business of that House during the Absence of their Speaker.' This done, and some of his Friends having acquainted the House, That he had not yet received an Arrear of 500 *l.* part of which was due to him upon the Account of his Ambassy to *Sweden*, nor any Reward at all for that great and honourable Service, performed by him to the Benefit of the Government; they unanimously Voted, 'That that 500 *l.* should not only be forthwith paid him, but also the Sum of 2000 *l.* should be given him over and above the 500 *l.* in Consideration of his great and faithful Services in that Ambassy, for which they ordered him Thanks; and that the Lords Commissioners of the *Treasury* should be required to pay the said several Sums accordingly.

THE Lord Commissioner received the Money accordingly not long after, tho' when the same was voted by the last Parliament, he received none of it: But the Protector

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rector, and some of those who had no real Affection for him, were not pleased with this extraordinary Favour of the Parliament to him: However he attended, with the Speaker and the Members of the House, at *Whitehall* upon the Protector after Sermon; and was, with the rest, nobly entertained by him at Dinner on the Thanksgiving-Day, for his Deliverance from the intended Assassination by *Syndercomb* and his Accomplices.

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THE Parliament, which had been for some Time intent upon the Settlement of the Nation, at last drew up a Writing, which they stiled, *The Humble Petition and Advice*; the principal Part whereof was for the Protector to take the Title of *King* upon him. This Instrument being presented to him by the House on the 4th of *April*, he desired a Committee might be appointed to confer with him about it, and the Lord Commissioner *Whitlock* being one of them, he was chosen Chairman; and attending upon his Highness with the Committee, he spake to him upon the Point of the Title of *King*, giving his Reasons why he should accept of it.

SINCE a great many of this Committee had not only a Hand in pulling down Kingship in one Family, and would now set up the same in another, it's fit we should hear the Arguments they used for it; and the rather, because the Lord Commissioner *Whitlock*, as Chairman, made in a manner the Whole his own, by reporting it to the House, as well as the Protector's several Answers and Replies: The Committee therefore attending *Oliver* on the 11th of *April*, the Lord Commissioner began to open the Matter thus:

*
* *

I ONLY

‘ I ONLY understand, That, by Order of
‘ the Parliament, this Committee are tied up
‘ to receive what your Highness shall be
‘ pleased to offer, as to your Doubts or Scruples upon this Paper: The very Words of
‘ the Order are, *That the Committee have Power*
‘ *to attend your Highness, to receive from your*
‘ *Highness your Doubts and Scruples touching any*
‘ *the Particulars contained in the humble Petition*
‘ *and Advice formerly presented; and, in Answer*
‘ *thereunto, to offer to your Highness Reasons for*
‘ *your Satisfaction, and for the Maintenance of the*
‘ *Resolutions of the House, and such Particulars*
‘ *as we cannot satisfy your Highness in, that we*
‘ *may report the same to the Parliament, what Particulars your Highness shall think fit to object.*

‘ YOUR Highness is pleased to mention
‘ the Government, as it now is, and seems,
‘ to some of our Apprehensions, as if your
‘ Highness did make that an Objection, *If*
‘ *the Government be well, why do you change it?*
‘ If that be intended by your Highness as
‘ an Objection in the general, I suppose the
‘ Committee will give you Satisfaction.

WHITLOCK having premised thus much,
the Protector said, ‘ He thought all of them
‘ met with a very good Inclination to come
‘ to some Issue in that grand Affair; and he
‘ could assure them he had all the Reason
‘ and Argument in the World to move him
‘ to it, and was very ready to be guided by
‘ them in the Way of Proceeding; only he
‘ confessed according to those Thoughts he
‘ had, as he had answered his own Thoughts
‘ in preparing for such a Work as this was,
‘ That he had formed this Notion of it to
‘ himself:

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' himself: That having met them twice, at
 ' the Committee first, and returned them
 ' that Answer that he gave them then, and
 ' the House a second time, he did perceive,
 ' That the Favour and the Indulgence the
 ' House shew'd him in that, was, that he
 ' might receive Satisfaction: That he knew
 ' they might have been positive in the
 ' Thing; and said, They had done enough,
 ' if they had only made such an Address to
 ' him: That they might have insisted upon
 ' it, That by only offering it, he could
 ' plainly see his Satisfaction was aimed at:
 ' That he really and sincerely thought so;
 ' and that truly he thought there was one
 ' Clause in the Paper that did a little war-
 ' rant that, *to offer such Reasons for his Satisfa-*
 ' *ction, and for the Maintenance of the Resolu-*
 ' *tions of the House.*

' THAT it was true, the Occasion of all
 ' this was the Answer that he made, That
 ' that occasion'd a Committee to come thi-
 ' ther, in order to his Satisfaction; and that
 ' truly he doubted, (if they would draw
 ' out those Reasons from him, he would
 ' offer them to them, but he doubted on his
 ' own Part) if they should proceed that
 ' Way, it would put him a little out of the
 ' Method of his own Thoughts; and it be-
 ' ing mutual Satisfaction that was endea-
 ' voured, if they would do him the Favour,
 ' it would more agree with his Method; he
 ' should take it as a Favour, and he would,
 ' if they thought fit, leave them to consider
 ' their own Thoughts of it together.

THE Protector having paused here, the
 Lord, Commissioner thought it proper to
 express

express himself briefly after this manner: 1657.

‘ The Committee that are commanded by
‘ the Parliament, and are here present to
‘ wait upon your Highness, I do suppose,
‘ cannot undertake to give the Reasons of
‘ the Parliament for what they have done;
‘ but any Gentleman here can give his own
‘ particular Opinion, for your Highness’s Sa-
‘ tisfaction; and if you will be pleased to go
‘ in the Way which you have proposed, and
‘ either in general or in particular to require
‘ Satisfaction from the Committee, I suppose
‘ we shall be ready to do the best we can to
‘ give it you.

THE Protector then took the Word, and
said, ‘ I think if this be so, then I suppose
‘ nothing can be said by you, but what the
‘ Parliament hath dictated to you; and I
‘ think that is clearly express’d, That the
‘ Parliament intends Satisfaction; then is it
‘ as clear, That there must be Reasons and
‘ Arguments that have Light and Conviction
‘ in them, in order to Satisfaction.

‘ I SPEAK for my self herein; I hope
‘ you will think no otherwise: I say, it doth
‘ appear so to me, That you have the Liberty
‘ of your own Reasons: I think, if I should
‘ cite any of them, I cannot call this the
‘ Reason of the Parliament. In Parliamentary
‘ Determinations and Conclusions, by Votes
‘ of the several Particulars of the Govern-
‘ ment, that Reason is dilated and diffused,
‘ and every Man hath a Share of it; and
‘ therefore, when they have determined such
‘ a Thing, certainly it was Reason that lead
‘ them up into it; and if you shall be plea-
‘ sed to make me Partaker of some of that
‘ Reason,

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Reason, I do very respectfully represent to you, That I have a general Dissatisfaction to the Thing; and I do desire that I may be informed in the Grounds that lead you, who, I presume, are all Persons well satisfied with the Thing, and every Part of it; and if you will not be pleased to think that fit, I will not farther urge it upon you: To proceed that way, will be a Favour to me; otherwise I shall deal plainly with you, It doth put me out of the Method of my own Conceptions; and then I shall beg, that I may have an Hour's Deliberation, that we might meet again in the Afternoon.

HERE the Lord Chief Justice *Glyn* having acquainted his Highness, ' That the Parliament sent them to wait upon his Highness, to give him any Satisfaction that their Abilities could suggest: That the whole Paper consisted of many Heads: And that if his Highness intended Satisfaction, the Propositions being general, they could give but general Satisfaction, for which they were ready:

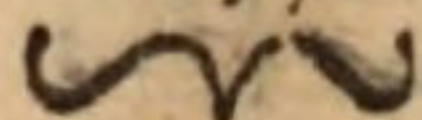
THE Protector went on thus: ' If you will please to give me Leave, I do agree the Thing is general, as it falls under the Notion of Settlement: That's a General that consists of many Particulars; and truly, if you call it by the Title it bears, there it is General; it is Advice, Desires and Advice: And that (the Truth is) that I have made my Objection in, is but one Thing as yet; only the last Time I had the Honour to meet the Parliament, I did offer
' to

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to them, That they would put me into a Condition to receive Satisfaction to the Particulars: No Question, I might easily offer something Particular for Debate, if I thought that would answer the End; for, truly, I know my End and yours is the same, that is, to bring Things to an Issue one Way or other, that we may know where we are; that we may attain that general End, which is Settlement: The End is in us both; and I durst contend with any one Person in the World, That it is not more in his Heart than in mine. I could go to some Particulars to ask a Question, or ask a Reason of the Alteration, which would well enough let you into the Business that it might, yet I say it doth not answer me. I confess, I did not so strictly examine that Order of Reference, or whether I read it or no, I cannot tell you; if you will have it that way, I shall (as well as I can) make such an Objection as may occasion some Answer to it, though perhaps I shall object weakly enough; I shall very freely submit to you.

THE Lord Chief Justice, and the Lord Commissioner *Fiennes*, owning hereto the Protector, That they found they were impowered to offer any Reasons that they thought fit, either for the Satisfaction of his Highness, or Maintenance of what the Parliament had given him their Advice in; and they thought they were rather to offer to his Highness the Reasons of the Parliament, if his Highness's Dissatisfaction was to the Alteration of Government in general, or in particular.

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THE Lord Protector told them, ' He
 ' was very ready to say, He had no Dissatis-
 ' faction: That it had pleased the Parlia-
 ' ment to find out a Way (though it were of
 ' Alteration) to bring these Nations into a
 ' good Settlement; and that, perhaps, they
 ' might have judged the Settlement, we were
 ' in, was not so much for the great End of
 ' Government, the Liberty and Good of the
 ' Nations, and the Preservation of all those
 ' honest Interests that had been engaged in
 ' that Cause: He said, He had no Exception
 ' in the General, that the Parliament had
 ' thought fit to take into their Consideration
 ' a new Settlement, or Government; but
 ' that having done it as they had, and made
 ' him so far interested, as to make such an
 ' Overture to him, he should be very glad if
 ' they were pleased to let him know it:
 ' That besides, the Pleasure of the Parlia-
 ' ment might be somewhat of the Reason of
 ' the Parliament, for interesting him in that
 ' Affair, and for making the Alteration such
 ' as it was: That truly he thought he should,
 ' as to the other Particular, swallow this; he
 ' should be very ready to assign particular
 ' Objections to clear That to them, that
 ' might be either better to be cleared, or
 ' helpful at least to a clearer Understanding
 ' of Things for the better Advantage, for
 ' that he knew was in their Hearts, as well
 ' as his: That though he could not presume
 ' that he had any Thing to offer to them that
 ' might convince them; yet if they would
 ' take it in good part, he should offer some-
 ' what as to every Particular: That as to
 ' the first Particular, he was clear as to the
 ' Ground

Ground of it, it being so put to him as it
 had been : That he thought some of the
 Grounds, upon which it was done, would
 very well lead him into such Objections or
 Doubts as he might offer, and would be a
 very great Help to him therein ; and that
 if they would have him state this, that, or
 the other Doubt that might arise Metho-
 dically, he should do it.

O *LIVER* having ended thus, the Lord
 Commissioner *Whitlock* begun the Argument
 in this manner : ' I am very much assured,
 that all this Company is come with the
 same Affection and faithful Respect to the
 publick Settlement, as your Highness hath
 pleased to express. For my part, I do,
 with a great deal of Clearness and Faith-
 fulness, and, in my particular Apprehension,
 I conceive that the Method that your High-
 ness mentioned to proceed in, we may
 Answer for ; and if any Gentleman be of
 another Opinion, let him be pleased to
 correct me in it.

' THE Parliament taking Consideration
 of the present Government, and the In-
 strument that doth establish it, seemeth to
 my Apprehension to be of Opinion, that
 it was very fit there should be some Course
 taken for a Settlement in the Government
 of the Nation by the Supream Legislative
 Power ; your Highness and the Parliament
 concurring together in it, they found
 the Instrument of Government in the
 Original and Foundation of it, to require
 this Settlement by the Supream Legi-
 slative Power, in regard the Original
 of the other, as I apprehended by some

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‘ tlemen’s Debates upon it, might be an
 ‘ Occasion of some Doubts, and of less Sta-
 ‘ bility, if it were left to continue upon the
 ‘ same Foundation as it is.

‘ THAT it will not be so clear a Set-
 ‘ tlement and Foundation for the Preserva-
 ‘ tion of the Rights and Liberties of the
 ‘ Nation, as if we came to a Settlement by
 ‘ the Supream Legislative Power; upon
 ‘ that Ground it was taken into Considera-
 ‘ tion, and a Settlement brought to effect
 ‘ upon very solemn, full and candid Debates
 ‘ among themselves in Parliament.

‘ THEIR Intentions I suppose were on-
 ‘ ly these: *To provide for the Safety and Peace*
 ‘ *of the Nations hereafter; to provide for the*
 ‘ *Rights and Liberties, both Spiritual and Civil,*
 ‘ *of the People of these Nations;* and in order
 ‘ to make the best Provision they could for
 ‘ these great Concernments of the People,
 ‘ the Petition and Advice which they have
 ‘ humbly presented to your Highness was
 ‘ brought to a Determination by them.

‘ AS for that Particular which your High-
 ‘ ness did formerly intimate, when the Par-
 ‘ liament did attend upon you, and the Com-
 ‘ mittee of the Parliament since, and that
 ‘ which you are now pleased to intimate,
 ‘ concerning the Title, I do humbly ap-
 ‘ prehend the Grounds thereof to be these.

‘ THE Foundation of the Title of *Pro-*
 ‘ *tector* being not known by the Law, but
 ‘ being a new Title, it was thought, that
 ‘ the Title which was known by the Law of
 ‘ *England* for many Ages, many Hundred
 ‘ of Years together received, the Law fit-
 ‘ ted to it, and that to the Law, that it
 ‘ might be of more Certainty and clear Esta-
 ‘ blishment,

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blishment, and more conformable to the
Laws of the Nation; that that Title, I
say, should be that of *King*, rather than
that other of *Protector*. There is very much as
to the Essence of the Business, as some Gen-
tlemen did apprehend, that the Title
should be a known Title, that hath been
in all these Times and Ages received, and
every particular Person hath Occasion to
know it, and his Rights applied to it: And
likewise, the general Rights of the People
and their Liberties have an Application
to that Name, which Application cannot
be so clear and so certain to a new Title, as
that of *Protector*. I have heard some Gentle-
men argue, That the Title of *Protector*, is
grounded only upon the Original and Foun-
dation as it now stands; but the Title of
King, besides the Constitutions by which it
shall be made, will likewise have a Foun-
dation upon the old and known Laws of
the Nation: So that there will be both the
present Constitution, and likewise the an-
cient Foundation, of the Laws of *England*,
to be the Basis of the Title of *King*: What
Inconveniencies, Changes of this Nature, may
bring with them, can hardly in every Par-
ticular be foreseen; but it is imagined, that
many will be, that possibly we may not be
able beforehand to comprehend; but there
seems to be more of Certainty and Stabi-
lity, and of the Supream Authority and
Civil Sanction upon that Title, then upon
the other: This I humbly apprehend to
be one Reason concerning both the Esta-
blishment of the whole, and as to that
particular, which I think is the first Part
of it your Highness seemed to intimate.

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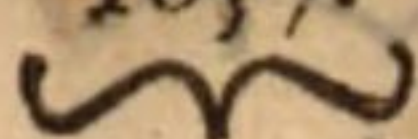
*W*HITLOCK was seconded herein by *Lentball*, Master of the Rolls, who spake to the Protector in these Words.

May it please Your Highness,

‘ I A M very glad that there is such a
 ‘ a Latitude as we may shew our selves here;
 ‘ I know the Parliament intends to give
 ‘ your Highness all the Satisfaction that may
 ‘ be : And truly, I say, upon the first Head,
 ‘ which your Highness is pleased to call a
 ‘ Title, as if it were a bare Title, that I
 ‘ must humbly crave Pardon if I do not
 ‘ think it, neither did the House think it ; but
 ‘ it carries more in it of Weight than a meer
 ‘ Title : For upon due Consideration you
 ‘ shall find, that the whole Body of the Law
 ‘ is carried upon this Wheel, it is not a Thing
 ‘ that stands on the top meerly, but runs
 ‘ through the whole Life and Veins of the
 ‘ Law ; you cannot almost make any Thing
 ‘ or do any Thing, look upon all our Laws
 ‘ ever since we had Laws, look upon all the
 ‘ Constitution, still there is such an Interest,
 ‘ not of the Title, but of the Name of *King*,
 ‘ besides the Title, (that’s not the Thing) for
 ‘ the Title you may rather tie it to the Per-
 ‘ son, than the Thing ; but the Word *King*
 ‘ doth signifie the Person. Now, Sir, we
 ‘ do see in all the Ways of our Proceedings,
 ‘ in the maintaining of the Rights, Proper-
 ‘ ties and Interests of the People, and of
 ‘ the Prerogative of the chief Magistrate,
 ‘ that the very Office carries on the Business,
 ‘ and not the Title ; and yet it must be such
 ‘ a Title too, as implies the Office, and
 ‘ makes the Office suitable to the Law ; It’s
 ‘ the Office that doth dignifie the Person,
 ‘ not

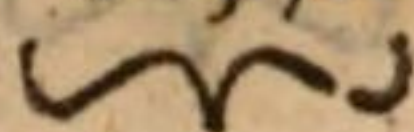
not the Person the Office: I shall crave 1657.
your Highness's Pardon, if I speak any
thing amiss; we see that the very Office
carries it on, and not the Person, yet
that Office must have a Suitableness. I
have observed all along, that we have had
many Debates that have arisen in this Na-
tion about the Thing; but the Ground and
Reason why they have adhered to this Ti-
tle, was for the Maintenance of their Li-
berties, not for the Change of the Office.
I must confess, I do not see that the other
Title will do the same Thing, that having
no further Latitude, nor Extent, but the
very Instrument; it goes no further, for
the very Instrument is the Foundation of it:
We can find no further Original, we have
had those Names heretofore, but never
grounded upon the Thing it self, but
grounded upon the Office of a King.
The Protector had no Office or Duty to
perform, but what was under the Office
and Duty of a King; it's very true, it is
not so now certainly, for you have now a
Title upon that Foundation that is your
Instrument, and it can reach no further;
it is a Title that I cannot see, I must con-
fess, but that we have a good Magistrate,
and good Officers; but it may extend whi-
ther it will, it hath no Limit at all; and if
the chief Magistrate should prove otherwise
than Good, you have no Limit by it by any
Rule of Law that I understand: If you
please give me leave to tell you, the very
Instrument does give a Foundation to the
Title of *Protector*, I am sure to cross, if he
please, the most fundamental Points of the
Law. There was a Time, when a Prince
of

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of this Nation (a very late Time too)
 would change this Name, and it was a
 very slender Change, for it was but from
 the *King of England* to the *King of Great*
Britain, and this was presented to the Par-
 liament : It was Debated many Days, and
 it was Resolved there and settled, That
 they could not change it ; there was so
 much Hazard in that Change, they knew
 not but that all their Rights and Liberties
 might be thereby altered ; and when the
 King saw he could not obtain it of the
 House, he declared by Proclamation, That
 he never intended to take any Name upon
 him that should raise any Doubt as to the
 Liberties and Privileges of Parliament,
 and caused that Proclamation to be very
 cunningly printed, and put among the Sta-
 tutes, though indeed it was none of them ;
 But because there was Danger, he laid it
 down willingly, Only (says he) your
 Divines in the Pulpits shall pray for me by
 the Title of *King of Great Britain*, and Am-
 bassadors shall make their Address by that
 Name ; but the Name in your Laws I will
 not alter. In the Parliament, there was a
 Question, Whether we should not alter the
 Name of Parliament, and call it, *The Repre-*
sentative of the People ? But the whole House
 went upon this Ground, That by changing
 the Name of Parliament to a Representa-
 tive, we did not know how it might change
 the very Course, Ground and Reason of
 Parliaments : There is a great deal of Im-
 portance in the very Name : I remember
 a very honourable Person was then very
 earnest for it ; I mean, for having this Name
 changed, and he shew'd many Reasons for
 it ;

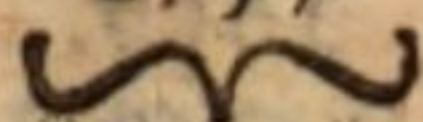
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it; but hearing the Debates and Reasons
against it, he sat down and was satisfied:
I think I may Name him, it was my Lord
Ireton, who said, He was satisfied it was
not fit to be done at that time. It was a
famous Story in every Man's Mouth here-
tofore, when there was but little Intention
to change the Law, I say, it was a general
Resolution given by the Lords, *Nolumus*
leges Angliæ mutare; it's doubted, yea con-
ceived impossible, to annex the Laws and
the Title of *Protector* together: This I must
say, we come now with an Intention for a
perfect Settlement, such as may give Safety
to the Nation, to your Person, and to the
People; for indeed, Sir, they are very
jealous of their Laws and Liberties, and
have been so in all Ages; and though
there may be no Intention to do such a Thing,
yet if you have a Doubt, it's better and
more safe for the chief Magistrate to keep
to that which hath no Doubt.

THE Parliament putting their own In-
terest and Regards to you together, and
giving you this Advice, this is *Vox Populi*,
for it is the Voice of Three Nations in one
Parliament. Upon Publick Interest, the
chief Thing is the Safety of the People;
That Safety, your Will, your Judgment,
nay, give me leave to tell you, your Con-
science is bound to; for it is the principal
End of Government and Governors: This
is presented to you by Three Nations, by
the Parliament; altho' you may make your
Hesitations, yet such a Thing is of great
Weight and Consequence: I know this
that I have said may seem to imply, as if we
should fall upon a particular Point: By the
Laws,

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‘ Laws, I can say, in all Generations, this is
 ‘ mine, and this is the Princes, and the
 ‘ Prince cannot do me Wrong, nor the
 ‘ Council do me Wrong, &c. Therefore
 ‘ I think you may safely, and I hope you
 ‘ will agree to this Particular, as we have
 ‘ presented it : I dare not say, that your
 ‘ Highness, as it comes in a way of Advice
 ‘ from the Parliament, ought to do so.

HERE the Lord Protector told the Com-
 mittee, ‘ That he could not deny but the
 ‘ Things that had been spoken, had been
 ‘ spoken with a great deal of Weight, and
 ‘ that it was not fit for him to ask any of
 ‘ them, if they had a mind to speak farther
 ‘ to it ; but if such had been their Pleasure,
 ‘ that truly then he thought it would have
 ‘ made him, according to the Method and
 ‘ Way he had conceived to himself, the more
 ‘ prepared to have return’d some Answer,
 ‘ if it had not been to them a Trouble : He
 ‘ was sure, the Business required it from any
 ‘ Man in the World, much more from him,
 ‘ to make serious and true Answers ; he
 ‘ meant such as were not feigned in his own
 ‘ Thoughts, but such wherein he expressed
 ‘ the Truth and Honesty of his Heart : In
 ‘ short, That he hoped, when he had heard
 ‘ them so far as it was their Pleasure to
 ‘ speak to that Head, he should have been in
 ‘ a Condition that Afternoon, if it had not
 ‘ been a Trouble to them, to have returned
 ‘ his Answer upon a little Consideration with
 ‘ himself ; but that seeing they had not
 ‘ thought it convenient to proceed that Way,
 ‘ truly he thought he might very well say,
 ‘ That he had need to have a little Time to
 ‘ resolve

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‘ resolve what Answer to return, lest their
‘ Debate should end on his Part with a very
‘ vain Discourse, and with Lightness : And
‘ therefore, if they thought to proceed
‘ farther, and to speak to these Things, he
‘ should have made his own short Animad-
‘ versions on the whole that Afternoon, and
‘ return’d some short Reply ; and this would
‘ have usher’d him into the Way, not only to
‘ have given the best Answer he could, but
‘ to have made his own Objections.

T H E Protector having in this manner
given Intimation of his Readiness to hear any
farther Arguments, *Glyn*, or *St. John’s* (I can-
not tell which) began and said, ‘ Since it is
‘ your Highness’s Pleasure, that it should be
‘ spoken now altogether by those that have
‘ any thing to say, I think it will be the
‘ intent of the Committee, and the Parlia-
‘ ment, to give your Highness Satisfaction
‘ in all Particulars, both as to Substance and
‘ Circumstance : I confess I waited for Obje-
‘ ctions from your Highness, that being the
‘ principal Scope of the Order : Truly, my
‘ Lord, I stand up with no Confidence, that
‘ I can add any thing to what hath been
‘ said ; but because it pleases your Highness
‘ to do us the great Favour to put us to
‘ Particulars, I think the Question before
‘ you is but singly thus : *I am already Pro-*
‘ tector, *and I am by that Office put at the Head*
‘ *of the Government, whereby we meet the Par-*
‘ *liament now ; we desire you to take upon you*
‘ *the Office of King, Why do you so ?*

T H A T which we are to speak here, is
‘ no other, but that which we can under-
‘ stand was the Sense of the Parliament, in
‘ Justi-

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' Justification of what they have done: I
 ' shall not speak any thing of the Govern-
 ' ment it self, but to this particular: I think
 ' the Office of a King is a lawful Office,
 ' and the Title too, approved of by the
 ' Word of God, that's plain. It is plain
 ' likewise, it is an Office that hath been exer-
 ' cised in this Nation from the time it hath
 ' been a Nation; and I think it is as true,
 ' that there never was any Quarrel with the
 ' Office, but the Male-Administration, that
 ' I can remember, I mean, ill Government.
 ' Oftentimes Kings have been blamed, and
 ' very justly, for their ill Government; but
 ' we do not read that there was any Chal-
 ' lenge by the Parliament, that this Govern-
 ' ment we desire should be discharged: If
 ' that be true, it is to me a strange Ground,
 ' having passed the Scrutiny of so many Par-
 ' liaments, where they did Debate *de re*;
 ' that in all these Debates they did not charge
 ' it upon the Nation, that the Place is a Bur-
 ' then in its own Nature, and this too, when
 ' Parliaments have had Opportunity to have
 ' changed the Government. The Name of
 ' *King* is a Name known by the Law, and
 ' the Parliament doth desire that your High-
 ' ness would assume that Title; These are
 ' the Grounds why the Parliament make it
 ' their humble Advice and Request to your
 ' Highness, that you would be pleased to
 ' assume that Title, and I think there is
 ' something more in it: You are now Lord
 ' *Protector* of the Three Nations by the In-
 ' strument; and there is a Clause in this
 ' Constitution, that you should govern ac-
 ' cording to Law, and your Highness is
 ' sworn to that Government. The Parlia-
 ' ment

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ment doth apprehend, that it is almost impossible for your Highness to answer the Expectation of the People to be governed by the Laws; and yet you are so tied up, that neither they can rationally call for it, nor you conscientiously do it, and so neither is the Lord *Protector*, nor the People, upon any sure Establishment: For there stands the Case, a *King* hath run thorough so many Ages in this Nation, and hath governed the Nation by that Title and Style that it is known to the Law; for the Law of the Nation is no otherwise, than what hath been a Custom to be practised, as is approved by the People to be good; that's the Law, and nothing else, excepting Acts of Parliament; and now they have been governed by that Title, and by that Minister, and by that Office. If so be your Highness should do any Act, and one should come and say, *My Lord Protector*, Why are you sworn to govern by the Law, and you do thus and thus, as you are Lord *Protector*: do I? Why, How am I bound to do? Why, the *King* could not have done so? Why, but I am not *King*, I am not bound to do as the *King*, I am Lord *Protector*; shew me, that the Law doth require me to do it as *Protector*, if I have not acted as *Protector*: Shew me where the Law is, why you put any one to a Stumble in that Case: This is one Thing that I humbly conceive did stick to the Parliament, as to that Particular. Another Thing is this, you are *Protector*, which is a new Office not known to the Law, and made out of Doors: You are called upon, that you would be pleased to accept the Office of

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' a *King*, that is, by the whole People : It's
 ' the first Government that, since these Trou-
 ' bles, hath been tendred by a general and
 ' universal Consent of the People. Another
 ' Thing is this, If any should find fault
 ' with them, and say, Why, How came
 ' you to make Governments in this Case ?
 ' Why, the Answer is, We are a Parliament,
 ' and have your Suffrage, you have ever
 ' trusted us with all your Votes, and we will
 ' justifie it : But besides, we have not done
 ' it neither ; we have but settled it upon the
 ' old Foundations. Then as for Regal Go-
 ' vernment, however, some may pretend, a
 ' *King's* Prerogative is so large, that we
 ' know it not, but is unbounded, the Par-
 ' liament are not of that Opinion. The
 ' *King's* Prerogative is known by Law, he
 ' did expatiate it beyond his Duty ; that's
 ' the Evil of the Man : But in *Westminster-*
 ' Hall, the *King's* Prerogative was under
 ' the Courts of Justice, and is bounded as
 ' well as any Acre of Land, or any Thing a
 ' Man hath, as much as any Controversie
 ' between Party and Party : And therefore
 ' the Office being lawful in its Nature,
 ' known to the Nation, certain in it self,
 ' and confined and regulated by the Law ;
 ' and the other Office being not so, that
 ' was a great Ground of Reason, why the
 ' Parliament did so much insist upon this
 ' Office and Title, not as Circumstantial,
 ' but as Essential ; yea, it is the Head from
 ' whence all the Nerves and Sinews of the
 ' Government do proceed, as was well said
 ' by the Master of the Rolls : If we put a
 ' new Head, it's a Question whether those
 ' Nerves and Sinews will grow, and be nou-

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‘rished and strengthned with that Head. I
‘had something in my Thoughts which I had
‘forgot ; something of an Objection. Why
‘are you so Pertinacious, or insist so much
‘upon this Title ? May not you apply all the
‘Powers and Authorities unto the Office of
‘*Protector*, and then you will give Satisfa-
‘ction : I must needs say, He that makes
‘this Objection, makes it meerly but a Name.
‘If any shall say, I am content the *Protector*
‘shall have the Office, but not the Name, I
‘think this Man is very straight laced : Then
‘he puts it meerly upon the Word ; and
‘truly, if there be no more in it, if there be
‘nothing but that Word, you have in the
‘Ballance with it the Desires of the Par-
‘liament : I beseech you, do not break
‘with the Parliament for a Word. Another
‘Objection is, We have been under the
‘*Protector*, and the Judges have taken their
‘Office under that Government, and the
‘Judges have taken their Measures by the
‘Authority of the *King*, and have taken
‘it to be the same with that of *King*, and
‘so go on. I confess, that the Judges
‘have gone very far that way, and I shall
‘not speak my own Opinion of the Matter
‘here ; but yet it is very well known, that
‘there hath been Variety of Opinions, and
‘Judgments in this Case, even from those
‘that have been Judges of the Nation ; and
‘I do not take the People to be upon a very
‘good Establishment, when Doubts arise in
‘those that should have most Knowledge.
‘I would never make a Doubt that tends to
‘the shaking of Foundations, if I could a-
‘void it. The taking of this Office will
‘avoid a Doubt, the continuing of the other
‘Office,

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Office may be more uncertain: I would never make a Doubt where it may be dear; perhaps the taking of the other would reduce Men to Satisfaction; there is but a Perhaps in the one, and a Certainty in the other.

THE Chief Justice was seconded in the Argument by Sir *Charles Woolfley*, who made the following Speech upon this solemn Occasion.

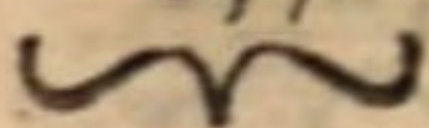
NOT only we that are here, but many honest Hearts in *England*, rejoyce to see this Day, wherein your Highness and the Parliament are, with so much Nearness and Affection, debating the Settlement of the Nation: One Reason why your Highness should take this Title offered you by the Parliament, is, because as you stand in relation to the old Government you are obliged to the Law, yet have not the Advantage of the Law, which the chief Magistrate ought to have. The Law knows not a *Protector*, and requires no Obedience from the People to him. The Parliament desires to settle one so, that the People may know your Duty to them, and they their Duty to you. The Parliament find the Minds of the People of these Nations much set upon this Office and Title: God hath by his Providence put a general Desire of it in the Nation; and they think, in Things not unlawful, they ought to hearken, and to be much inclined by the Desires of them that sent them, and in such Things as are for their Good, as this is, to be much provoked thereby to the doing of them.

Truly,

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Truly, Sir, it hath been much in the Thoughts of the Parliament, that the Reason why Things of late have been so unsettled throughout in the Nations, hath been, because that to the Body of this People there hath not been a legal Head: The Well-being of the Head, is not more necessary to the wholsome Constitution of the Body Natural, than a right Head is necessary to the Body Politick. I must humbly tell your Highness, this Nation hath ever been a Lover of Monarchy, and of Monarchy under the Title of a *King*: The Name and Office hath for above a Thousand Years been in this Nation; though they have often changed their Princes, yet never the Name nor Office. 'Tis the great Common Law, that is, the Custom of the Nation, approved for Good by many Ages, to have the Office and Name of a *King*: No new Law that makes any other, can have that Validity, which the Custom of so many Ages hath. Sir, the Parliament doth judge the Safety of your Person much concerned to take this Title; and 'tis not your self they look to, (though their Hearts are as full of Respect, I may say it, for your Highness as can be) but to you as chief Magistrate, representing the People, and being Head of the Law, and all Magistracy; the People hath a Share and Concernment in you: We see this hath been the great Encouragement of those Attempts against your Person, that the Law did not take Notice of you as chief Magistrate, and that Juries were generally backward to find any guilty for Treason for ill Attempts against you: The Parlia-

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'ment cannot think it fit, to have their chief
 'Magistrate in such a Condition. Your
 'Highness hath been pleased to call your self
 ' (as when you speak to the Parliament) a
 'Servant, you are so indeed to the People,
 'and 'tis your greatest Honour so to be.
 'I hope then, Sir, you will give the People
 'leave to name their own Servant ; that is a
 'Due you cannot, you will not, certainly
 'deny them : Their Representatives desire
 'you will serve the People under this Title ;
 'and were there no other Reason, 'tis there-
 'fore the Best. I beseech your Highness to
 'consider, if you should refuse this Title the
 'Parliament presents you with, you do not
 'only deny your self the Honour they put
 'upon you, but you deny the Nation, you
 'deny the People their Honour, which by
 'Right they ought to have. 'Tis this Ho-
 'nour, and their just Birth-right, to have a
 'Supream Magistrate with the Title of *King*.
 'I know, Sir, though you can deny your
 'self, yet you will not deny the Nation their
 'Due, when their Representatives challenge
 'it from you. The Parliament have highly
 'engaged all the good People of this Nation,
 'to make you, who are one of them, (and
 'have been in these Troubles their Head and
 'Leader) to be their *King*. And certainly,
 'Sir, whatever Dissatisfaction may be in this
 'Case, it ought not to weigh, if there be
 'any Judge on Earth of the People's Good,
 'tis the whole People represented together,
 'and what others say is but by Individuals.
 'Sir, the Parliament have Hundreds, nay
 'Thousands, upon their Backs, the good Peo-
 'ple of the Nation, a quiet peaceable Peo-
 'ple, with you, and what the Parliament
 'shall

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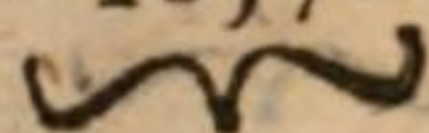
‘ shall judge fit, is their Duty, and no doubt
 ‘ they will submit: Sir, were there in this
 ‘ Matter no other Reason why you should
 ‘ accept this Title, I know this alone, which
 ‘ indeed is the greatest Reason I can give,
 ‘ would sway with you above any Thing,
 ‘ That what is before you, is the Advice of
 ‘ your great Council the Parliament.

THE Lord Commissioner *Fiennes* took
 the Word from *Woolfley*, and said, ‘ I shall
 ‘ offer what I conceive from their Debates
 ‘ to be the Reasons why they advise your
 ‘ Highness to this Title; and seeing what is
 ‘ in the Fountain must be conveyed by such
 ‘ Pipes, I shall clear the State of the Que-
 ‘ stion, which, in the first Place, if I mi-
 ‘ stake not, is only upon the Name, not up-
 ‘ on the Thing, not upon the Office of a
 ‘ King, but upon the Title of a King; for
 ‘ the Question is, Whether the same Thing
 ‘ shall be signified by the Office of a King
 ‘ under the Name of a King, or by the Office
 ‘ of a King under the Name of a Protector.
 ‘ Undoubtedly the Office of a King may be
 ‘ more exercised under another Name, than
 ‘ it may if the Powers be not Kingly, tho’
 ‘ the Name be there: He that said, he would
 ‘ not do his Master’s Will, and yet did it,
 ‘ did it more than he that said he would,
 ‘ and yet did it not: He that hath all the
 ‘ Powers and Authorities of a King, is a King,
 ‘ though he have not the Name: But there
 ‘ is somewhat of Diversity in this Case,
 ‘ wherein, Sir, you must either enumerate
 ‘ all the Powers of a Protector, or what is left
 ‘ to be enumerated must be the same Thing
 ‘ as the Law says is the Duty of a King;

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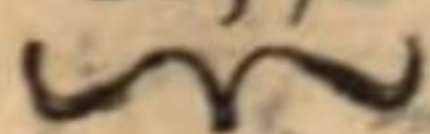
' and this I think the Judges have deter-
 ' mined. This therefore being the clear
 ' State of the Question, the Difference will
 ' arise meerly upon a Name ; and the Par-
 ' liament did not think it agreeable to their
 ' Wisdom to inspect all the Laws, and all the
 ' Cases, and make the Name of *Protector* to
 ' suit them, or else leave it Lawless and
 ' Boundless ; but what was not confined to
 ' the Power of a *King*, was confined to the
 ' Decision of the Law. That being so, the
 ' Parliament thinks it is fit for them to do as
 ' all wise Men do, to give Names according to
 ' the Nature of the Thing ; and either they
 ' must fit all the Laws to the Name, and that
 ' is impossible, or leave the Name unbounded,
 ' and that's intolerable. All Creatures were
 ' brought to *Adam* to give them Names,
 ' which he did according to their Natures.
 ' And so the Parliament considers what the
 ' Thing is that they were about to advise
 ' your Highness to, the Parliament find this
 ' to be the same Government as was before ;
 ' and if they would have that, why not their
 ' old Name ? If the Thing, Why not the
 ' Title ? Truly, it seems very reasonable
 ' that Names should be proportioned to the
 ' Thing : They have found divers Reasons
 ' why the Name should be *King*, because it
 ' is a Thing clear to all the World, that the
 ' People are more willingly Obedient to old
 ' Things and Names than to new ; and so
 ' far as old Things can be retained with-
 ' out Danger or Inconvenience, it is the
 ' Wisdom and Duty of all Governments to re-
 ' tain them.

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IT'S likely, That either the Lord Commissioner *Whitlock's* Memory, in making his Report of *Fiennes's* Speech to the House, failed him, as well it might, tho' contrary to his usual Custom; or that this Discourse of his Colleague, towards the latter End of it, came to be attended with some incidental Confusion, which I cannot Account for; and therefore, passing over the unintelligible Lines that follow, I proceed to that which Mr. *Lisle*, the other Commissioner of the Great Seal, offered upon this Occasion, in these Terms. ' I humbly conceive, That in
' this Title offered to your Highness by the
' Parliament, they do take the same Care for
' your Highness, as *Jethro* took for *Moses*;
' they find the Weight of the Government,
' as it is now upon you under the Title of
' *Protector*, is a Burthen, that will weary both
' your self, and the People likewise; and
' therefore they do desire your Highness will
' be pleased to accept of that Title that may
' be an Ease to your Highness, and to the
' People. The greatest Weight and Burthen
' of Government, is, when there is a Jealousie between the Prince and the People
' for want of a right Understanding; tho'
' neither Parliament nor People have a Jealousie of your Person, yet of the Title
' they have, for want of a right Understanding: But if your Highness will be
' pleased to accept of the Title that is now
' offered, all Jealousies will be done away;
' for they will then understand what you are;
' and truly, Sir, I think the Jealousie will
' be higher now, than at first when the Remonstrance was offered to you: For the
' Title of *Protector* is either the same Thing

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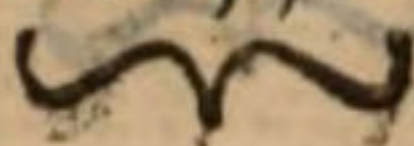


‘ in Power with the Title of *King*, or it is
 ‘ Something else. If it be Something else,
 ‘ than what the Title of *King* is, when it is
 ‘ confined, that will raise their Jealousie very
 ‘ much. If it be the same Thing, then there
 ‘ is nothing of Difference but a Name; and
 ‘ they will think there is more than a Name,
 ‘ if the Parliament do offer it to your High-
 ‘ nefs, and your Highness should wave it.

‘ SIR, the Parliament did think, that your
 ‘ Highness was never able to provide for do-
 ‘ ing Justice to the Nation for the present,
 ‘ nor that Peace should be maintained in the
 ‘ Nation for the future, unless your Highness
 ‘ accept of this Title. National Justice does
 ‘ consist in Two Things; That you do Right
 ‘ to the People with respect to their just
 ‘ Privileges in relation to the Parliament;
 ‘ that you do Right to the People in respect
 ‘ to their just Rights according to the Law
 ‘ of the Land. Sir, the Nations Rights in
 ‘ Parliament can never be done to the Peo-
 ‘ ple, unless the Parliament hath it’s ancient
 ‘ Rights in relation to the Government:
 ‘ And they can never have their Right in
 ‘ relation to the Law, unless the Laws have
 ‘ their ancient Right in relation to the Go-
 ‘ vernors. Sir, the Reason why the Parlia-
 ‘ ment doth now offer it, as I conceive, is
 ‘ this: Sir, they did consider the Case of
 ‘ *David*; it was the proper Title to offer
 ‘ that of King to *David*, when the Elders of
 ‘ *Israel*, and the People, did Covenant with
 ‘ him at *Hebron*. The Remonstrance offered
 ‘ to your Highness is the Covenant of the
 ‘ Three Nations, both for Spiritual and Civil
 ‘ Liberties. If there was a proper Time to
 ‘ make *David* King, when they covenanted
 ‘ with

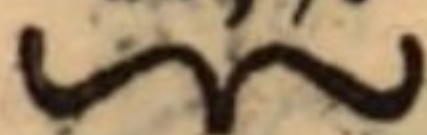
with him at *Hebron*, it is now a proper
Time for you to accept this Title, when the
Parliament hath brought this with a Cove-
nant for the Three Nations, that relates
both to their Civil and Spiritual Liberties,

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THE Lord *Brogbill*, afterwards eminently
known by the Title of Earl of *Orrery*, took
up the Argument after *Lisle*, and spoke thus:
Sir, I can add so little to what hath been
already spoken, that were it not in Obe-
dience to Command, I should with much
more Satisfaction be silent than now speak;
but being under an Obligation I must not
violate: I shall, in Obedience thereof, pre-
sume to lay my poor Thoughts before you:
But first I shall take the Boldness to say,
I believe it is a Thing impossible for any
to particularize every individual Reason
which invites a Parliament to pass any
Vote; for the Parliament is a Body con-
sisting of many Members, and all of them
relish those Arguments and Reasonings
which are most consonant to every Man's
Apprehension; in which there is so great
Variety, that though when a Vote is pass'd,
we may conclude that Vote is the Sense of
the House, yet we cannot say, that these,
and none but these, Reasons produced that
Result. I only mention this, Sir, that what-
ever I shall speak may be considered by
you, but as my poor Apprehension of what
in some degree might have contributed to
move the Parliament to petition and advise
your Highness to assume the Title and Of-
fice of *King*: For it would be too high a
Presumption in any Member, especially in
me above any, to dare aver, That what
I should

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‘ I should now say, did only invite the Par-
 ‘ liament to give your Highness that Coun-
 ‘ cil. Having thus humbly premised what
 ‘ I held my self obliged unto in Duty, I shall
 ‘ now proceed to acquaint you what, in my
 ‘ weak Judgment, did in some measure move
 ‘ the Parliament to do what they have done.

‘ I. I HUMBLY conceive, That the
 ‘ Title of *King* is that which the Law takes
 ‘ Notice of as the Title of Supream Magi-
 ‘ strate, and no other; and that the old
 ‘ Foundations that are good, are better than
 ‘ any new Ones, though equally good in
 ‘ their own Nature. What is confirmed by
 ‘ Time and Experience, carries along with
 ‘ it the best Trial, and the most satisfactory
 ‘ Stamp and Authority.

‘ II. IT was considered too, That it
 ‘ was much better that the Supream Magi-
 ‘ strate should be fitted to the Laws that are
 ‘ in Being, than that those Laws should be
 ‘ fitted unto him.

‘ III. THE People legally assembled in
 ‘ Parliament having considered what Title
 ‘ was best for the Supream Magistrate, did,
 ‘ after a solemn Debate thereof, pitch upon
 ‘ that of *King*; it being that by which the
 ‘ People knew their Duty to him, and he the
 ‘ Duty of his Office towards them, and both
 ‘ by old and known Laws.

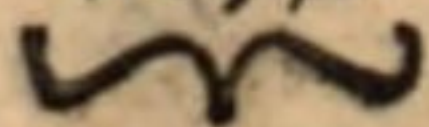
‘ IV. THERE is hardly any who own
 ‘ Government at all in these Nations, but
 ‘ think themselves obliged to obey the old
 ‘ Laws, or those which your Highness and
 ‘ the Parliament shall enact: So that, if the
 ‘ Supream Magistrate of these Three Na-
 ‘ tions be entituled *King*, all those who re-
 ‘ verence the old Laws, will obediently and
 ‘ cheer-

cheerfully accept of him, as that which is settled upon the Establishment they own; and all that own this present Authority will do the like, because grafted by it; by which, none can rest unsatisfied that think it a Duty to obey former Authorities, or the present.

V. T H E former Authorities know no Supream Magistrate, but by the Title of *King*, and this present Authority desires to know him by no other; which if refused, Might it not too much heighten our Enemies, who may bolster up their faint Hopes with saying to one another, and to those which assist them, That their Chief is not only under that Title which all past Parliaments have approved, but under that Title which even this Parliament does approve of likewise; and that your Head is not known by the former Laws, and has refused to be known by that Application which even the Parliament, which he hath called, doth desire to know him by?

VI. B Y your Highness bearing the Title of *King*, all those that obey and serve you, are secured by a Law made long before any of our Differences had a Being, in the 11. *Hen. VII.* where a full Provision is made for the Safety of those that shall serve whoever is *King*: 'Tis by that Law that hitherto our Enemies have pleaded Indemnity; and by your assuming what is now desired, that Law, which hitherto they pretended for their Disobedience, ties them, even by their own Profession and Principles, to Obedience; and I hope, taking off all Pretences from so numerous a Party, may not be a Thing unworthy of Considera-

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consideration: That the Law seems very rational; for it doth not provide for any particular Family or Person, but for the Peace and Safety of the People, by obeying whoever is in that Office, and bears that Title. The End of all Government, is to give the People Justice and Safety; and the best Means to obtain that End, is to settle a Supream Magistrate. It would therefore seem irrational, that the People, having obtained the End, should decline that End only, to follow the Means which is but conducing to that End; so that if the Title and Office of *King* be vested in your Highness, and that thereby the People enjoy their Rights and Peace, it would be little less than Madness for any of them to cast off those Blessings, only in order to obtain the same End under another Person.

VII. THERE is at present but a Divorce between the pretended King and Imperial Crown of these Nations; and we know, that Persons divorc'd may marry again; but if the Person be married to another, it cuts off all Hopes. These may be some of those Reasons which invited the Parliament to make that Desire, and give that Advice to your Highness to assume the Title of *King*. There is another, and a very strong One, which is, That they now have actually given you that Advice; and the Advices of Parliaments are Things which always ought, and therefore I am confident will, carry with them very great Force and Authority: Nor doth this Advice come singly, but accompanied with many other excellent Things, in reference

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ference to our Civil and Spiritual Liberties,
which your Highness hath born a just and
signal Testimony to. It is also a Parlia-
ment, who have given unquestionable
Proofs of their Affection to your Highness,
and who, if listned to in this Particular, will
be thereby encouraged to give you more.

IT's no way material to recite what the
Protector said in reference to these Argu-
ments and Harangues, since he declined gi-
ving his Answer to the Committee at this
Time in a few Words only, desiring a little
while to consider of the important Affair, and
left it to them to appoint the Day when they
would receive his Answer; but the Chair-
man, Mr. *Whitlock*, replying, his Highness
might appoint his own Time, he pitched
upon the 13th of *April*, and made a very long
and ample Deduction of Things to the
Committee: But not coming to a final De-
cision what his Resolution was, as to his Ac-
ceptance or not Acceptance of the Title
proposed to him, though he seemed to de-
cline it, the Committee thereupon further
enforced the Argument to him; and the
Chief Justice *Glynn* insisting, That the Name
and Office of a *King* was essential to a Set-
tlement, said;

I. BECAUSE it is known to the
Law, his Duty is known in reference to the
People, and the People's Duty known in
reference to him: This cannot be trans-
mitted to another Name without much La-
bour and great Hazard, if it may at all. To
go by Individuals, and reckon up all the
Duties and Powers that a King by our
Laws hath in reference to his Trust towards
the

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the People, and the Duty of the People towards him, is a Work of so great Labour, that it would require Months, yea Years, if not Ages.

II. TO apply its Relative, *talis qualis*, would introduce these Difficulties: 1. It would be a new Thing: How it would prove is but guess at; and it's the Foundation-Stone: It's unsafe to put it to a Hazard when you have a safe One. 2. Those Certainties and Securities that accompany that Title, are incident by the ancient Laws and Customs of the Nations; and that which the other Office can have, are introductive, and given him *De novo* from this Parliament, as their ancient Inheritance, that can claim but a new Title of Purchase.

III. THE People and your Highness lose the best Title, both to their Liberty and your Rights, which is the *Law, Ancient Custom, and Usage*, and claim it only but upon the Strength of the Parliament; but if you take it as a King, you have the Strength of both.

IV. IF you assume any other Name, and have the Rights give you by Parliament, it may seem as if the People had lost their ancient Rights, and had need of new Ones to be created by this Parliament.

V. THE Assumption of the Title of King, is without Need of any other Authority sufficient to protect the People, and bind them to obey you.

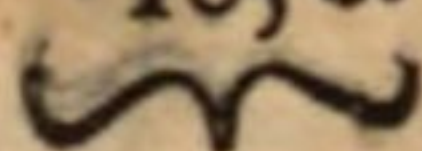
VI. IF you should take the Name of Protector, or any other new Title, whatsoever Authority is applied thereto, is but grafting upon a Stock, that is new and
 * * * doubt-

doubtful whether it will bear the Fruits
well, and still liable to former Objections
without Doors.

VII. IF you take the Title of *King*,
the worst affected cannot object against
Authority, or at all against the Parliament,
as the Donor.

Glynn having thus briefly, but closely,
spoke to the Matter, the Master of the Rolls
proceeded, and said; ' It is certain, that all
Governments in themselves may be good,
for none is *male in se*; but the Rule that
hath always been observed, is, That the most
necessary and prudent Course to govern a
Nation, must be taken from that Propor-
tion which is most suitable to the Nature
and Disposition of the People that are go-
vern'd: If this be the general Rule always
in the World, we may well draw this Ar-
gument, both from an absolute Necessity,
and *ex necessitate consequentis* also. The chief
Governor in a settled Government being
obliged to do for the Good of his People,
not only *quoad bonum, sed quoad optimum*;
then the Consideration that will follow
properly here will be, Whether the Name of
King, which, in the Judgment of the Law,
implies the Office, be not the best Govern-
ment for the People's Safety, both *ex neces-*
sitate causæ, & ex necessitate consequentis. To
explain this, it be most premised, that
when we speak of *King*, we must take the
Difference between the Person dignified
with the Name, and the *Name* it self; for
this must be taken for a sure Ground, the
Word *King* is a Name, as it is a Word
which the Law doth look upon, so it hath
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its proper *Basis* and Foundation upon the Law, and is as ancient as the Law is. Now the Person of the King is a Name that hath its Name and Foundation from the Word *King*, as *ex necessitate consequentis*; because, in Reason, a Man must be used to exercise that Authority which proceeds from that Name. These Things being very clear, by the fundamental Grounds of the Law, if then we examine the Foundation of Things according to the Rules of the Law, it is manifest, That the Name of *King*, *Laws*, *Rights*, *Properties*, and *Liberties* of the People, and also *Parliaments* themselves, have but one Foundation, which is Original Prescription, being ancient Customs, that is, Customs Time out of Mind: So that, in the Judgment of Law, these Three, (*viz.*) *King*, *Law*, and *Parliament*, are the Parts of the Government of this Nation; which having their *Basis* and Foundation from Prescription, constitute the Form of it amongst us; not a Form in the vulgar Acceptation of the Word *Form*, but it is the Form of Government settled in this Nation, and of the Essence of it. Then to me it seems impossible, that any Act of Parliament, even without the Destruction of the essential Part of the Government, can place that Office in another Name, (be it what it will) which naturally wants the Foundation and Ground of that Power and Office which that Name imports.

I. BECAUSE the Alteration destroys the Foundation, which is Prescription, and annexes to it a Name that the Law of the Land hath no Acquaintance with.

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' II. I T sets all Laws, Liberties, and
 ' what is dear to us, upon a new Foundation,
 ' as to the People; for whatsoever is created
 ' by an Act, cannot have Life and Autho-
 ' rity but from that Act, and shall never look
 ' back to its first Original Constitution;
 ' and it takes from the People the Rules and
 ' Grounds which they have known by Ex-
 ' perience, and sends them to seek them in
 ' a Power, of which no Wit of Man can
 ' suddenly apprehend the Bounds and Limits,
 ' when so many Doubts may arise, even in
 ' the old Foundation, which Experience and
 ' Time hath excellently refined from these
 ' Grounds: I may safely say, That there
 ' never was but one *King* in *England* from
 ' the first Foundation of Regal Power, and
 ' can safely conclude there will never be
 ' more; but that there have been many,
 ' and more I hope there will be, whose Per-
 ' sons exercise that Office: For the Law
 ' doth positively affirm, The *King* never
 ' dies; and the Reason is, Because its Ori-
 ' ginal is grounded upon the same Founda-
 ' tion, which is so conjoined together, that
 ' no Death can make a Partition: Indeed,
 ' the Person, like other Men, dies; but the
 ' Name and Thing hath a kind of an Im-
 ' mortality, if we consider the Continuance
 ' of the Word and Person that is invested
 ' with that Name, who is not said to Die,
 ' but to Devise, which is to deposite and
 ' to lay up the Name and Title of the
 ' *King*.

' THE common Ground is taken from the
 ' Accession of the Office and Dignity to the
 ' Person; but the true Ground is the Name,
 ' and the Office is become part of the Law,

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' which should punish the Offences that are
 ' committed against it, which proves both
 ' the Necessity of the Name, and the neces-
 ' sary Relation there is between the Name
 ' and the Law ; and it is a necessary De-
 ' duction, that the Name of *King* is the
 ' Thing wherein the Office and Power is
 ' placed, and therefore its not practicable
 ' by any Statute, or Act of Parliament, to
 ' divide the Power and Office from the Name,
 ' and transfer that Power without the Name :
 ' The Word *King* hath such essential Refe-
 ' rence to the Law, that it never looks to
 ' the Person, to make that the Ground of
 ' Essence ; but if it had been the Name, the
 ' Law was satisfied ; and therefore it never
 ' examined the Right of the Person, how
 ' he became invested with the Power, but,
 ' *de facto*, whether he were so or not ; and
 ' if so, whether *de facto*, or *de jure*, it hath
 ' the same Influence upon the People's Right,
 ' and the same Advantages to the chief Go-
 ' vernour.

' THERE is also another Reason why the
 ' Office cannot be annex'd to another Name,
 ' either by Act of Parliament, or otherwise ;
 ' for in any other Name you must suppose
 ' the Office, the *King* ; so that any other
 ' Name is but a Fiction in respect of the
 ' right Name ; and it would be very dan-
 ' gerous, both to our Laws and Properties,
 ' to lay the *Basis* and Foundation upon a
 ' Fiction, which was a Reason that some of
 ' the Judges forbore to Act upon the Name
 ' of *Custodes Libertatis Angliæ, &c.* and the
 ' same Reason holds upon any other Name :
 ' He urged also, that this Petition and Ad-
 ' vice was Matter of Right, not of Grace,
 ' which

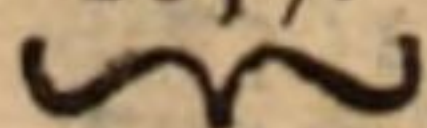
which was never denied by any Prince in this Nation, nor could be, because there was an Obligation in all Cases to do Right; and this Obligation was upon the Protector, whilst he took upon him the chief Magistracy. 1657.

LENTHAL had no sooner ended, but Colonel *Jones* began, and spake to this Effect:

May it please your Highness,

I AM unwilling to spend the Time in speaking after those two learned and honourable Persons that spake last; and therefore shall endeavour, in what I have to offer to those Doubts you were pleased to make when this Committee had the Honour last to attend you, to be as brief as may be. Your Highness was pleased then to say, That tho' the Arguments brought in Favour of the Title of *King*, in the Petition presented to you by the Parliament, were weighty; yet, in your answering them, you must not grant them to be necessary Conclusions, but take them as having much of Conveniency and Probability towards concluding; for if an Expedient may be found, they are not then necessary. And you were pleased to tell us, That though Kingship be not a Title, but an Office interwoven in our Laws, yet it is not so *ratione nominis*, but from what it signifies, that being a Name of Office plainly implying the Supream Magistracy; and therefore whatever Name it be, wherein the Supream Magistracy resides, the Signification will give it to the Thing, and not to the Name; and seeing

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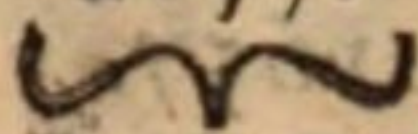


' this Title had a Commencement, and also
 ' hath been unfixed, why may not a new
 ' One now commence, and be now fixed by the
 ' Legislative Authority, and thereby be made
 ' to run through the Law, as well as the
 ' Title of *King*? From whence it may be in-
 ' ferred, this Title is not necessary: But,
 ' *May it please your Highness*, if the Intention
 ' of the Parliament in this their humble Ad-
 ' dress to you be considered, *viz.* That it is
 ' a Settlement; it would then be likewise
 ' considered, whether a new Name will not
 ' be found, in this Case, to make a new
 ' Office also; and whether then the Novelty
 ' thereof will not hazard, if not frustrate,
 ' that great End of Settlement, the Anti-
 ' quity and Trial of Laws, being that which
 ' doth beget the greatest Reverence and Sa-
 ' tisfaction of them in the People. And
 ' that the Change of the Name makes it a
 ' new Office, will appear, both in respect of
 ' his Authority who bears the Office, and
 ' in respect of the People's Obligation in
 ' Matter of Obedience to that new Officer:
 ' For by the ancient Law he cannot claim
 ' Subjection from them, nor can the People
 ' thereby claim Protection from him; the
 ' Strength then of the Settlement, and of
 ' their Rights and Liberties, as far as they
 ' relate to this new Supream Magistracy,
 ' will rest upon a new and untried Constitu-
 ' tion; and this Authority, upon the same
 ' Foundation, the Wisdom of our Ancestors,
 ' even in lesser Matters, when they intro-
 ' duce a new Law, made it for the most part
 ' a Probationer only; and I may humbly
 ' say, we have now some Years been making
 ' Probationaries of new Governments; and
 ' there-

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therefore the Parliament finding the People not yet fixed and reconciled to any of them, return to that which by long Experience and Custom hath been found to suit with their Minds and Rights, the People having not the same Satisfaction nor Acquiescence in any new Thing, as they have in long approved Laws and Customs; since a new Thing is in it self uncertain, not only whether it will prove good or no, but also in this Case, in respect that one main Property of the Settlement being a coordinate Power, depends upon it, and will be subject to be controverted whether one Coordinate is well put up by another, or may not by the like Power that sets it up be pulled down again, which cannot but leave Men's Minds as dubious of a Settlement as ever; Things uncertain and disputable naturally carrying Unsettlement with them. Time and Experience hath grafted this Name and Office in the Minds of the People, and that (as I said already) begets Reverence and Satisfaction in their Minds. Also they were the Exorbitances of the Office (which in a great Measure this Petition provides against) that was complained of, and not the Office nor Name, which are founded upon the ancient Laws, the altering of either, alters the Constitution, and lays it upon a Foundation less certain, and easier to be shaken; and therefore to take up the Office without the Title, will be to take it up with all the Objections of Scandal or otherwise, it is said to be liable to, and at the same time to want the Support of the ancient Laws it carries with it, and the Advantage of satisfying and settling

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' settling the Minds of such of the People of
 ' these Nations, as by the Consideration of
 ' Novelties, and what in this Case attends it,
 ' will otherwise rest doubtful and unsettled.
 ' These are some of the Grounds I observed
 ' in the Debate of the Parliament, to induce
 ' them to judge this Title not only Expe-
 ' dient, but, in respect of a Settlement, neces-
 ' sary. Your Highness was pleased to ob-
 ' ject also, the Dissatisfaction of good Men
 ' which you judged in Things indifferent
 ' were to be considered.

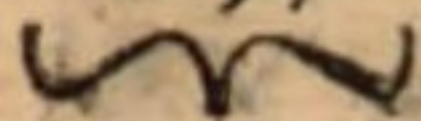
' T H E Y are so, and it hath been so
 ' judged by the Parliament, who shewed
 ' great Tenderneſs in that kind, and I hope
 ' ever will: But in this Matter, they are
 ' found by the Parliament not to be indiffe-
 ' rent, but necessary for the Settlement of
 ' these Nations; and they hoped, that in
 ' those Things wherein good People have
 ' not already been satisfied, they will calmly
 ' endeavour for Satisfaction; and that when
 ' the Matter of this Petition comes to be
 ' more Publick, they will find such Care and
 ' Provision made for good Men, and of good
 ' Things, that will certainly give them Sa-
 ' tisfaction. I think I may safely say, such
 ' a positive Provision for their Liberties and
 ' Incouragement hath not been found out
 ' under any former King, nor any other
 ' Form of Government, to which your
 ' Highness hath been pleased your self to
 ' give that Testimony; so that it is not to
 ' Kingship alone, as formerly, that the Par-
 ' liament advises your Highness, but to the
 ' Office, with such and such a Provision made
 ' for the Publick Interest: And if then your
 ' Highness (of whose Faithfulness to their
 ' Interest,

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Interest, good People have received such ample Testimony) will be pleased to consent to this Petition of the Parliament, an Authority always of no small Esteem and Reverence with the best Men; I doubt not but when it is done they will chearfully acquiesce, tho' while it is doing they may have Scruples: As for that of Providence laying aside the Title, I think the Argument hence will be as cogent against the Office it self, and against Government by a single Person under any Title, the Acts of Parliament mentioned are as expressly against the one as the other; and therefore the Exercise of the Supream Power by a single Person under any Title, is as much a Contradiction of Providence, and these Acts of Parliament, as the Exercise thereof under the Title of a *King*: But certainly the laying aside of a Thing *de facto*, which though indeed it be an Act of Providence, yet it cannot be construed, that the Intendment of that Providence is finally to lay it aside, never to be reassumed again: The Consequences of such a Position are many, and may be dangerous; for what is there by that Rule that is not to be laid aside?

I NOW remember an Objection made by your Highness in another Place, which I had almost forgot; That we did enjoy our Laws, and that Justice was freely administered under several Changes and Titles, as under that of the *Keepers of the Liberties of England*, and the Title your Highness now bears. To which I humbly Answer, That if so, Thanks are rather to be given to the Persons into whose Hands the Power fell, than to the Constitutions. However,

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‘ I crave Leave to say this, That Changes
 ‘ imply not a Settlement; and since Provi-
 ‘ dence has led us from our old Constitution,
 ‘ we have in a few Years had Four or Five
 ‘ Changes; and that these Changes have not
 ‘ been accompanied with more Hazards, is
 ‘ a Matter of Praise to the Lord, and of
 ‘ Commendation to the Powers we have
 ‘ been under: But if one Providence hath
 ‘ laid aside Kingship, another leads it in, and
 ‘ calls upon you to take it up. And it is to
 ‘ me a remarkable Thing, That Providence
 ‘ hath cast it under such Constitutions and
 ‘ Laws, as if, when we have thrown out the
 ‘ Tyrant that oppressed us in our Spiritual
 ‘ and Civil Rights, we can by our ancient
 ‘ Laws graft another in, that may be a fit
 ‘ Instrument to preserve both; who (as the
 ‘ learned Person that spoke last said) may
 ‘ make up as it were but one King this Five
 ‘ hundred Years, the Law not admitting an
 ‘ *Interregnum*: From whence I infer, That as
 ‘ it was not the End of our War, as appears
 ‘ by Six or Seven Declarations of the Par-
 ‘ liament, one whereof was ordered to be
 ‘ read in all Churches; so Providence did
 ‘ not lead us to lay aside either the Name or
 ‘ Office, but that Family which oppressed us:
 ‘ And since all Men’s Lives and Liberties de-
 ‘ pend on this Settlement, it is necessary to
 ‘ lay it on the strongest Foundation that may
 ‘ be.

‘ AND as for that of Safety, it is not for
 ‘ me to speak much to it; but certainly it is
 ‘ to be hoped, that as a Parliament advises
 ‘ your Highness to Things honest and law-
 ‘ ful, and by them judged necessary for a
 ‘ good Settlement, and therein take care
 ‘ and

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‘ and provide for our Rights as Men and Christi-
 ‘ ans, and your Highness’s Safety, all Dangers,
 ‘ by God’s Blessing, upon your Highness’s Wis-
 ‘ dom, backed with such an Authority, and an
 ‘ Army under the Conduct of so many reli-
 ‘ gious and faithful Persons, so well princi-
 ‘ pled to the Obedience of lawful Powers,
 ‘ may be prevented. And therefore I hum-
 ‘ bly hope, God will incline your Highness
 ‘ to grant the Petition and Advice of the
 ‘ Parliament.

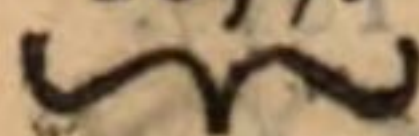
COLONEL *Jones* having done, Sir *Richard Onslow* came now to canvass the Argument to the Protector, mainly by way of urging *Oliver’s* Objections, and making Replies to them of his own: And as to the first; ‘ That
 ‘ the Title of *King* was the Name of an Office,
 ‘ and any other Name, which might imply
 ‘ the Supream Magistrate, had the same Sig-
 ‘ nification, and therefore no Necessity of
 ‘ the Name.

HE answered, ‘ Every Office ought to have
 ‘ a Name adequate to the said Office; and no
 ‘ other Name than *King* could be suitable and
 ‘ comprehensive enough to contain in it the
 ‘ Common Good to all Intents and Purposes.

‘ THAT it was a Rule, That the Kings of
 ‘ *England* could not alter the Laws of *England*,
 ‘ *ratione nominis*, but were bound to govern
 ‘ according to the Laws of *England*; but for
 ‘ any other Name, there was no Obligation
 ‘ lay upon it.

‘ THAT the very Title was necessary,
 ‘ was declared in the 9th Year of *Ed. 4.* when
 ‘ the great Controversy was betwixt *Ed. 4.*
 ‘ and *Hen. 6.* that sometimes one was in Pos-
 ‘ session, and then another: That it was ne-
 ‘ cessary

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‘ necessary the Realm should have a *King*, un-
 ‘ der whom the Laws might be maintained
 ‘ and holden ; for every Action done by the
 ‘ *King* in Possession was valid and good, for
 ‘ it was his Jurisdiction Royal ; so likewise
 ‘ the 1 *Hen.* 7. so the 3d. the same Opinion
 ‘ was held and declared, That a *King*, *de facto*,
 ‘ was necessary, and in all Alterations from
 ‘ Persons and Families, that yet our Ancestors
 ‘ always retained the *Title* and the *Name*.

‘ THAT there was a *Præus* and a *Primum* :
 ‘ Another Name might in Order and Degree
 ‘ be first, that is, before other Men ; but it
 ‘ was a *King* was *Primum*, the first Name that
 ‘ had its Beginning with our Laws.

‘ THAT the Customs of *England* were the
 ‘ Laws of *England*, as well as our Statute
 ‘ Laws : That the Title of *King* and *Custom*
 ‘ were Twins born together, and had had
 ‘ Continuance together ; and therefore to
 ‘ say *Protector*, of which they knew the Date,
 ‘ with *Custom* (of which no Memory could
 ‘ speak) was a kind of Contradiction to the
 ‘ Original.

‘ THAT then there must be an introductive
 ‘ Law, because *Protector* was a new Name
 ‘ that our Law did not yet know : That now
 ‘ to ingraft a young Scion upon an old Stock,
 ‘ it will never grow ; but there must be an
 ‘ Irradication of the old Root, and a new
 ‘ Plantation must be made ; and that all the
 ‘ old Customs must be put into positive Laws ;
 ‘ and that would be a Work of much Time,
 ‘ and great Difficulty.

‘ THAT the Title of *King* was so incorpo-
 ‘ rated, and conjoin’d with our *Customs*, that
 ‘ it did very much concern the People of
 ‘ *England* to have them upheld ; and then
 ‘ there

' there was a Rule, *Quæque res in conjunctione*
 ' *pro bono conjunctionis*; That every thing in 1657.
 ' Conjunction ought to be done, which is for
 ' the Good and Benefit of the Conjunction;
 ' and that, if it were for the Advantage of
 ' the single Person and the People, it
 ' brought him in mind of another Rule his
 ' old Master *Tully* taught him, *Communis uti-*
 ' *litatis derelictio contra naturam est*; It was not
 ' natural to decline that, which was for a
 ' Common Benefit and Advantage: And
 ' therefore he should say but this as to the
 ' Title, That as the Patriarch *Jacob* joined
 ' together, in his Blessing upon *Judah*, the
 ' Law-giver and the Scepter, so the Parlia-
 ' ment of the Three Nations desired to pre-
 ' serve the Title of *King* in and upon the
 ' Law.

AS to the Second Objection his High-
 ness was pleased to draw from Providence,
 that had brought them to that Place through
 much Darkeness, and had seemed to lay the
 Title of *King* aside:

H E replied, ' That it became all Men to
 ' acknowledge the Acting of the Providence
 ' and Power of God, for bringing to pass
 ' whatsoever he had determined in the World;
 ' and that it was the mighty and wise Hand
 ' of Providence which triumph'd over Na-
 ' tions, and triumph'd and trod down all
 ' Oppositions: That yet his Highness ob-
 ' serv'd, it was not a Rule to walk by without
 ' the Word; the Reason, the Causes, were
 ' hidden in the secret Council of God's
 ' Will: That we might see in the Revela-
 ' tions, the Book was sealed up with Seven
 ' Seals,

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‘ Seals, that we might read what was past,
 ‘ because written on the out side of a Book ;
 ‘ but what was to come we could not read,
 ‘ and we ought not to limit Providence, nor
 ‘ could we bound it with a *No further*.

In Answer to the Third Objection, ‘ That
 ‘ this State had by Providence received se-
 ‘ veral Changes, particularly Two great Ones,
 ‘ from the former Constitution ; that of the
 ‘ *Keepers of the Liberties of England*, and
 ‘ the present Government under the Title of
 ‘ *Protector* ; and the first seemed to be the
 ‘ Result of Seven Years War against the Ti-
 ‘ tle, and the Family :

H E argued, ‘ That it must be confessed
 ‘ it proved the Event of Seven Years War,
 ‘ but the Reasons of the War did not lead to
 ‘ it, for the War was for King and Parlia-
 ‘ ment ; for the Office, but against the Per-
 ‘ son, against the Exorbitancy and Irregula-
 ‘ rities of his Government ; but it was Pro-
 ‘ vidence that took away at that Time both
 ‘ the Office and the Family.

‘ T H A T it was also Providence that al-
 ‘ tered from that of a Republick to this of a
 ‘ Protector ; that Act being as much against
 ‘ Protector as a King, for it was against a
 ‘ single Person.

‘ A N D might not this Parliament, by
 ‘ the same Series of Providence, as well set
 ‘ up Kingly Government, as that Parliament
 ‘ took it away, having also the same Power
 ‘ they had.

THEN for a Fourth Objection, ‘ Why his
 ‘ Highness would not accept of the Title, be-
 ‘ cause

‘ cause of the Dissatisfaction many Persons,
‘ who had been Instrumental in carrying on
‘ the Work, had against that Title:

HIS Answer was, ‘ That in every Change
‘ of Government there was, and still would
‘ be, Persons unsatisfied, because Men were
‘ of mixt Interests, and different Judgments.
‘ Upon the Change to a Republick, those
‘ that conceived the Monarchical Government
‘ best were unsatisfied: But all ought to sub-
‘ mit, and be concluded by the Judgment of
‘ a Parliament.

‘ T H A T his Highness was pleased to
‘ say, That neither himself, nor those that
‘ tendred to him the Instrument, were Au-
‘ thors of the first Change, but it was the
‘ Long Parliament; so that he might con-
‘ clude, they were not engaged for that Go-
‘ vernment by a King.

‘ T H A T it had been indeed the Honour
‘ of the Soldiery, that in all these Changes
‘ they had still followed Providence, and
‘ have acquiesced, acting and living in pra-
‘ ctical Conformity; but he wish’d they would
‘ be satisfied for their Love-sake to them,
‘ and their Labours for them. High should
‘ his Reward be in Heaven, and happy his
‘ Remembrance on Earth, that would be the
‘ Means of such an Accord; but to satisfie
‘ all Men, so divided as they were, would
‘ be no less than a Wonder: That he should
‘ speak in a Parable, in the 37th Chapter of
‘ *Ezekiel*, ver. 16. the Lord said to the Prophet,
‘ *Take two sticks, write upon one stick for Judah*
‘ *and the children of Israel companions; and take*
‘ *the other stick and write upon it for Joseph the*
‘ *stick of Ephraim, for all the House of Israel his*
‘ *compa-*

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AS to the last Objection, *That Justice had been as well Administred, and as free from Solicitations under these Changes as before :*

HE told the Protector, *That he was pleased to say, he undertook that Charge to preserve them from Confusion, which indeed was the worst of Evil; and the same Reason might prevail with Judges, and other Magistrates, to execute Justice, and give to Men their Rights, which was so desirable to all Men, and of absolute Necessity.*

THAT Justice might be compared to the Water in the Spring, if kept from his Natural Channel, it would break its Way through the Bowels of the Earth: That Nature sometimes might suffer Violence: That there was a Peace in a Cessation of War, and there was a Peace in regard of the Distraction, that might be termed, but an intermitting Peace; for his Highness was pleased to acknowledge, that the People called for a Subsistery, and cried aloud for Settlement; from which, under favour, he might infer, That as yet there was no Settlement so well made, as to be accounted Perfect and Good.

THAT his Highness was pleased to Declare, He had rather take a Title from
this

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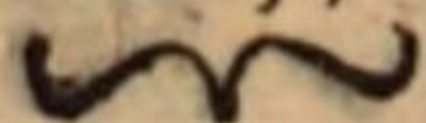
this Parliament, than any Title from any other Place, or without it.

THAT the Parliament of *England* was the Womb of the Commonwealth; and in that Womb there had been a Conception and Shape, Proportion and Form, and Life and Growth, as far as the Navel could Nourish; that there had been also a Delivery, and a Name given; that there had been *Conceptu conceptus, Partus & Opus*, and it hath been a great Work to bring us to this Delivery: That it was therefore the humble Advice of the Parliament, That his Highness would be pleased to make it speak the *English* Tongue.

THE Lord Commissioner *Fiennes* was the next Person that address'd himself to the Protector, saying; 'Your Highness the other Day laid down, as a Ground of your ensuing Discourse, this Position, That there was no Necessity of the Name and Title of *King*, upon which Foundation your Highness seemed to build the Arguments and Reasons of Dissatisfaction.

AS to that Name and Title, and that in such sort as the Matter is now circumstantiated and stated by your Highness, there is a Necessity either in the Affirmative or Negative, if it be not necessary that the Name be assumed, it is of necessity to be declined; and if no Necessity to decline it, then there is a Necessity to assume it: For altho' the Nature of the Thing itself is such as possibly may admit a Latitude of Argument upon the Point of Expediency and Conveniency, and that we are not shut up under an absolute Necessity
either

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' either the one Way or the other ; yet the
 ' Parliament having given their Judgment
 ' upon it, and their Advice to your Highness
 ' in it, your Highness seems to admit that
 ' there lies a kind of Necessity upon you to
 ' assume it, if there be not a Necessity to
 ' wave it : For you will not without Necessity
 ' decline the Advice of the Parliament, ha-
 ' ving said, That you should rather chuse any
 ' Name which they should fix, than any
 ' Name whatsoever without. Then it im-
 ' ports thus much, That you will not put
 ' Expediency and Conveniency, but only
 ' Necessity, in Ballance with their Judgment,
 ' who are the proper Judges of Things of
 ' that Nature, and what is most Expedient
 ' and Convenient therein for the Three Na-
 ' tions which they represent : And though a
 ' Name might otherwise be Inconvenient,
 ' yet being accompanied with the Judgment
 ' of the Parliament, it would become more
 ' Acceptable to your Highness than any
 ' other Name without, as your Highness
 ' hath said, and admitted. And besides the
 ' Grounds of Dissatisfaction held forth by
 ' your Highness, relating to Conscience,
 ' they must be such as are grounded upon a
 ' Necessity in the Negative, tho' the Reasons
 ' alledged by the Committee should not of
 ' themselves conclude, but only in Expedi-
 ' ency in the Affirmative ; yet they are so
 ' far from concluding a Necessity in the Ne-
 ' gative, that they do it by Accident in the
 ' Affirmative, because there is not only no
 ' Necessity of the Negative, but an Expedi-
 ' ency in the Affirmative, which notwith-
 ' standing is more than lay upon the Com-
 ' mittee to make out ; it being sufficient, as

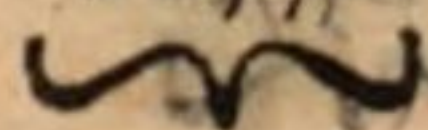
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this Case is, in shewing that there is not a Necessity to decline it, to conclude a kind of Necessity to take it; and whether or no, if the Position laid down by your Highness were admitted, the Reasons given by your Highness do upon Supposition conclude a Necessity of declining this Name, is the Question in the Second Place: There is a double Necessity in a natural and a moral Necessity: A Paternal Necessity falls not under Consideration; 'Tis certain, there is a kind of Impossibility, at once to enumerate all particular Cases and Circumstances, wherein the chief Magistrate shall, or shall not, have Power or Right, which many Hundreds of Years hath done, and fitted the Laws in all Particulars to the Name and Title of *King*; but to the Name of *Protector*, or any new Name, either all Cases and Circumstances must by particular Enumeration be applied, which would be the Work of an Age, (as it hath been of many Ages in that Name of a *King*) or it must be left at least in what is not enumerated Boundless and Lawless, which it should not be: There is a Moral, that is to say, a Politick Necessity in it, or else, to suit a particular Enumeration, there must be a general Clause, That in all Things, not particularly specified, they shall be defined by the Laws and Rights belonging to the Name of *King*; and then the Question will be meerly Nominal, and consequently not be put in Balance with the Judgment of the Parliament; because a Necessity in the Negative cannot arise out of a meer Nominal Difference of the Thing; and the Definition

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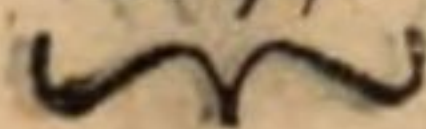
tion thereof being Identically the very
 same, and there being no Difference but
 only that of a new Name, this, in the
 Judgment of divers wise Men, may draw
 after it such a Consequence, as the putting
 of old Wine into a new Bottle, which may
 hazard the Loss of the Thing, and of the
 Laws and Liberties of the Nation, which
 are desired to be preserved thereby. As to
 moral Necessity, it is either *so absoluta ne-*
cessitate, or *necessitate præcepti*, or *necessitate*
medii; for the first Necessity, there are but
 four Things that are necessary in that
 Sence, as God is necessarily Good, True, &c.
 And as to that Necessity, which is *virtute*
præcepti, it is so either primarily or secon-
 darily *interrentu actus humani*; and of the
 latter Sort is the Matter in Question, if at
 all necessary, *necessitate præcepti*; for tho'
 Magistracy be an Ordinance of God pri-
 marily, yet particular Forms of Magistracy
 and Government, and much more the Cir-
 cumstances of those Forms, as Names, Ti-
 tles, and the like, are first Ordinances of
 Men, before they are Ordinances of God:
 First, Man sets his Stamp upon them, and
 then God sets also his Impress upon them;
 and therefore, tho' they be but Ordinances
 of Men, yet the Apostle saith, *We are to*
submit unto them for the Lord's sake, whether
to the King as Supream, or to Governours, as
those that are sent by him; and what Peter
 calls Ordinances of Men, Paul calls Ordinances
 of God, and yet they are to be obeyed, not
 only for Fear, but also for Conscience sake;
 so that in these Forms of Government
 Men may do as they will, as in other Con-
 tracts, wherein it is free for them to Con-
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tract or not to Contract, or to make their Covenants this way or another; but when they have made them they must keep them, for then God's Seal is upon them.

NOW as to the Matter in Question, it is clear, That the unquestionable Stamp of humane Authority, and the Ordinance of Man in these Nations, hath accompanied this Office under this Name for many Hundred Years together; and if it was waved and laid aside, as of late Years, it is now set up again by as good an Authority, and a fuller Representative of the Three Nations; and tho' it be only by Petition to your Highness, yet it is in some sort a Petition of Right: For the People of these Nations have an Interest in their Government and Laws, (whereof this was amongst the Fundamentals) as well as in their Liberties and Lands; and tho' particular Persons may have forfeited their Interest in the Government, yet I do not know that the Nations have forfeited their Interest therein. But if this Point shall seem to be driven too far, yet it is clear, that if this Office under this Name and Title be most known, and most suitable to the Laws of these Nations, most agreeable to the Desires and Dispositions of the People, and most likely to maintain Quiet and Peace in the Nations with Justice and Liberty, which are the great Ends of Government, and of all Forms and Names therein, as in the Judgment of the Parliament it is: Then, as it is the Duty of the Parliament to Advise it, so doth it thereby lay an Obligation upon your Highness to Accept it,

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‘ *necessitate medii*, as a necessary *Medium* to attain those Ends.

‘ AND whereas your Highness is pleased to say, this *Medium* is not necessary, because the Ends may be attained by another *Medium*, as appeareth in these Two Names and Titles, *Custodes Libertatis Angliæ*, and *Protector*: Besides, the Experience in the One, that was but of short Continuance, and of the Other, that it hath and doth still stand but in a shaking and uncertain Condition; and of Both, that they have attained the End, but imperfectly, and through the help of a great deal of Force: And tho’ it cannot be denied, but that the End may in some Degree be obtained by such other *Mediums*, which may serve the Turn in case of Necessity, and when no better can be had; yet, where such a Necessity is in the Case, there doth spring out a kind of Moral, or at least a Politick End of the Contrary, and of embracing that which is the best *Medium*; for in case of Necessity, there might be a Government without any Laws, and that *Arbitrium boni juris* should serve in stead of all Laws; and yet where Laws can be had, none will say that Laws are not necessary. When a Man hath a better Lamb in his Flock, a worse will not serve; but in that Case there is a moral Necessity, that the Best be brought for a Sacrifice.

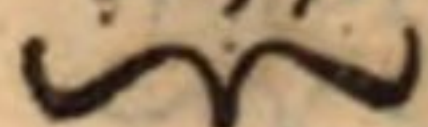
‘ WHEN the Parliament (and they suppose the like Reason extends also to your Highness) are perswaded in their Judgments, that this is the best *Medium* to preserve the Liberties and the Peace of the Nations,

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Nations, and yet no Necessity appearing unto them so to do, should make choice of a weaker Prop, and that thereupon should ensue Inconveniencies, and that the Band of Peace being broken, Blood and Confusion should return upon the Nation; it must needs also return upon their Thoughts, that they had been wanting in their Duty, in not providing the best Remedy, which possibly might have prevented the Mischiefs.

THIS leads to the Consideration of the Second Question in this Matter, Whether, admitting your Highness's Position, that there is not a Necessity of this Name of *King*; the Reason held forth by your Highness, makes out such a Necessity, as that you cannot take upon you that Name, tho' advised thereto by the Parliament, as the best and most conducing to the Ends of Government: Your Highness was pleased in the first Place to mention the Dissatisfaction, as to this Particular, of many pious Men, and such as have grown up all along with you in the carrying on this great Cause, as Soldiers, which indeed must needs be a very great and tender Consideration to your Highness, as it is also to all of us, who reap the Fruit of their Prayers, and of their Hazards, and great and excellent Service; and it would be a great Happiness, if it might please God that great and good Things were carried on with Unanimity and Harmony amongst good Men: But this Felicity hath never yet been granted unto us; so that great Matters and Changes have been accompanied with great Difficulties, with great Diffe-

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' rence of Judgments, even amongst the best
 ' Men, as our late Changes sufficiently testi-
 ' fie. For your Highness knows well when
 ' that Change was made, whereby this Name
 ' and Office was laid aside, how many pious
 ' Men, and your old Friends, were dissatis-
 ' fied therewith; and yet those that had then
 ' the Power, did not think that they should
 ' therefore forbear to do what then was
 ' judged for the good of the Nation. There
 ' was the like Dissatisfaction on the other
 ' side in many pious Men, when your High-
 ' ness took upon you the Government under
 ' the Name of *Protector*; and yet it was not
 ' held an unjust Obstacle to what was then
 ' thought good for the Nation. There is a
 ' certain Latitude whereby Respect may be
 ' had to Friends; but when the Publick
 ' Good of the whole Nation is in Question,
 ' other Considerations than that ought not to
 ' take Place: And as it is no Kindness to go
 ' about to satisfy Men's Desires to their own
 ' Prejudice, and the Injury of the Publick;
 ' so it cannot be thought, but that pious and
 ' sober Men, when they see this Name
 ' stamped first with the Ordinance of Man,
 ' and afterwards with God's Ordinance, (for
 ' so it will then be) will submit thereunto
 ' for the Lord's sake, and satisfy their Minds
 ' that they ought so to do.

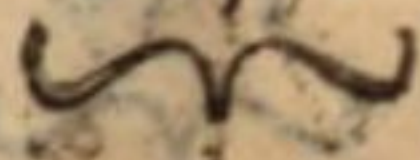
' FOR that other Reason alledged by
 ' your Highness, That this Name hath been
 ' blasted, and taken away by the Parliament;
 ' it is clear, that the Thing was as much
 ' blasted as the Name, and the Government
 ' by a single Person, under what Name so-
 ' ever, as much and more blasted than this
 ' Name; but in Truth, neither Name nor
 ' Thing

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‘ Thing hath been at all blasted by God,
 ‘ otherwise than he blasted all Things and
 ‘ Names of this Nature. It may be as truly
 ‘ said, That he hath blasted Parliaments, for
 ‘ they have also undergone and felt the like
 ‘ Blasts; but God hath so declared his Will
 ‘ concerning all particular Forms of Govern-
 ‘ ment, that they are wholly at the Pleasure
 ‘ and Disposition of Men, to be continued,
 ‘ altered and changed, according to the Exi-
 ‘ gency of Affairs, and publick Good of
 ‘ the People and Nations for which they are
 ‘ Instituted by Men; for the Scripture cal-
 ‘ leth them *humanae creationis*. Therefore as
 ‘ Men blasted them, so God blasted them;
 ‘ and when Men set them up again, God
 ‘ honoureth them again, and commands
 ‘ they should be honoured: One Parliament
 ‘ thought, the present State of Affairs re-
 ‘ quired the taking away of this Name and
 ‘ Office; and this Parliament judges, the
 ‘ present State of Affairs requires the resto-
 ‘ ring it to the Nations again.

‘ A S to that Point of Safety which your
 ‘ Highness touched upon, we might best
 ‘ answer it by drawing a Curtain before it,
 ‘ as your Highness hath given us an Example;
 ‘ there are Dissatisfactions on the one side,
 ‘ as well as on the other, neither is the Con-
 ‘ sideration of Danger only on the one side,
 ‘ and some Things may be more convenient
 ‘ for your Highness to conceive, than for us
 ‘ to speak; only I shall remind your High-
 ‘ ness of what the wise Man saith, *He that*
 ‘ *observeth the Wind shall never sow, and he that*
 ‘ *regardeth the Clouds shall never reap*: The
 ‘ Husbandman, in the way of his Calling, must
 ‘ regulate his Actions by the Ordinance and

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revealed Will of God, without attending unto the uncertain Events which may arise through the Inclemency of the Air, which is in God's Hands and Disposition; so every Man, in the Way of his Calling, must attend to what is the revealed Will of God, to guide his Resolutions and Actions by, and not by the various Minds of Men, which are in the Hands of God: And the wise Man also saith, *He that walketh uprightly, walketh surely*; he walketh uprightly that walketh according to God's revealed Will. It is in like manner a great sign of Integrity, to speak as a Man thinks, to do as he speaks, and to sute Names to Things; and as your Parliament hath thought to sute Kingship with this Thing, so have they offered it to your Highness with much Integrity, and without any other Respect, than the Good and Liberty of the Nations.

WE'L draw as much as may be towards a Conclusion of this Argument; to which the Lord *Broghill* spake next, to this Effect: Your Highness, the last time this Committee had the Honour to wait upon you, seemed to be of Opinion, That it was not necessary that you should assume the Title of *King*, to exercise legally the Office and Duty of Supream Magistrate of these Three Nations, because that the Title of *Protector* is, by the Authority of Parliament, made the Title of the Chief Magistrate, would do as well, and answer all Ends of Government as fully, as that which now the Parliament does desire, and advise your Highness to take upon you: But, to effect this, either all the Powers and Limitations of a

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Protector must be more particularly enumerated, or he must under the Name have all the Authorities of a *King*, as a *King* has by the Law. Of the First of these then, (as those learned Gentlemen that have spoke before have fully proved) whatsoever is not particularly specified, the *Protector* is left to act arbitrarily, or a Parliament must be called to supply every new discovered Defect, his Powers being derived only from that Authority that now does, or hereafter shall, constitute them, which will prove dangerous and inconvenient both to himself and to the People; and to set down all the Authorities and Regularities which are requisite, will be a Work of so much Time and Difficulty, that if in the Notion of it only it seems impracticable, it will in the acting be much more found so. As to the Second then, it will evidently appear, if the Difficulty is only about a Name; and it would be a sad Thing indeed that any Disagreement should be between your Highness and the Parliament, especially when the Thing differed in refers to the settling of our Foundation, and the Thing differed upon is only a Name: I hope that Unhappiness will be so well foreseen, as never to be run into.

YOUR Highness was pleased to take Notice, That if the Title of *Protector* were settled by Parliament, hardly any Thing could be objected against it, but that it is a Title not so long known to these Nations as that of *King*; which is a grave and weighty Objection, since, in constituting of Governments, the ablest and most deserving Judges are incapable to see these Dis-

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' advantages and Inconveniencies, which
 ' Time and Experience do render evident;
 ' which may be a Reason, if not the chief
 ' One, why our Ancestors would never alter
 ' Kingly Government, though they had
 ' often the Power to do it, and were pro-
 ' voked thereunto by the Exorbitancy and
 ' Male-Administration of their Princes, they
 ' choosing rather to bound that Office in pro-
 ' portion to the Evils they have suffered un-
 ' der it, than to establish a new Model of
 ' their own; in erecting of which, they
 ' could not have in some Ages the Expe-
 ' rience they had of that: And to cast off an
 ' Office that has been some Hundreds of Years
 ' a pruning and fitting for the Good of the
 ' People, to establish One that has been but
 ' newly known, were to think our selves
 ' wiser in one Day, than our Forefathers
 ' have been ever since the first Erecting of
 ' Regal Government.

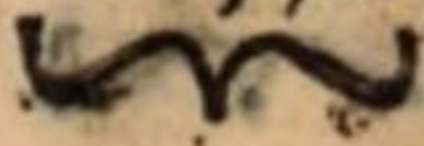
' IT has been an unquestionable Prin-
 ' ciple, That the Magistrate is established
 ' for the Laws, and not the Laws for the Ma-
 ' gistrate: If therefore the Title of *Protector*
 ' should be the Title of the Supream Magi-
 ' strate, we should fit the Laws to him, not
 ' him to the Laws; which would be by our
 ' Practice to contradict our Professions, and
 ' possibly wound the People's Rights: But in
 ' this Point there has been so much said, and
 ' that so learnedly, by those worthy Persons
 ' who have spoke before, that to prove the
 ' Necessity of your Highness assuming the
 ' Title of *King*, would be but to recapitu-
 ' late those many Reasons already given:
 ' That the Parliament of Three Nations
 ' think it necessary you should do it; is evi-
 ' dent

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dent by their incerting it amongst those
Three Things which they esteem Funda-
mentals as to the Settlement: Yea, they
have placed it at the Head of all those Fun-
damentals, and laid so great Stresses on it,
that, in their humble Petition and Advice,
they declare, That if it be not accepted of,
the Whole shall be esteemed null and void;
so that the highest Necessity imposed by a
Parliament, will have the best Acceptance.
Your Highness was pleased to mention,
That we had resent Experiments, that the
Supream Magistracy of the Nation might
be managed, to all Intents and Purposes, as
well under another Name and Title as that
of *King*, viz. under the Name of *Keepers of*
the Liberty of England, and under that of
Protector: But I shall humbly beseech your
Highness to consider, That because that was
not grounded upon the old known Laws, it
was of very short Duration: And for the Se-
cond, for the same Reason, the Parliament is
now petitioning and advising your Highness
to alter it; so what are brought as Arguments
to prove what your Highness mentions, pos-
sibly may rather evince the contrary: Be-
sides, Sir, it is confessed on all Hands, That
these Two Changes sprung from Necessity,
and therefore were not, neither ought to
be, of longer Continuance than that Ne-
cessity which caused them; and this is the
great and real Difference between Consti-
tutions that are established meerly because
Necessary, and those that are established
meerly because Good: For what is only of
Necessity, is but temporary, as no Effect
lasts longer than its Cause; but what is
good in its own Nature, is always good;
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' and if by intervening Accidents it be a while
 ' clouded, yet at length it shines and over-
 ' comes; and all wise Men do desire to re-
 ' vert unto it. To prove, that the first of
 ' these Changes, the *Keepers of the Liberty of*
 ' England, was only an Act of Necessity,
 ' and not of Choice, I need but mind your
 ' Highness of what the Master of the Rolls
 ' then spake, That after the Determination
 ' of the Regal Authority, the Parliament
 ' was necessitated to advise with a Civilian of
 ' another Nation, what the *Hollanders* had
 ' done in their Case, so much they were at a
 ' Loss what to do; and, indeed, the Provi-
 ' dence of God hath so altered the Temper
 ' of Officers between that Time and this,
 ' that the Change appeared best, because ne-
 ' cessary: But the Parliament esteems the
 ' Change now desired necessary, because
 ' best; nor can we possibly better express our
 ' Thankfulness for the Opportunity which
 ' now God hath put into our Hands, than to
 ' employ it to make the best and lastingest
 ' Settlement. All Things are best, which are
 ' found best upon Trial; but all the Changes
 ' we have been under of late were upon Be-
 ' lief, not Experiment; and having had an
 ' Essay of all, the Parliament have found,
 ' That, above all, Regal Government is the
 ' best; so that, by the best Judges, and by
 ' the best Way of judging, that Form of Go-
 ' vernment now presented to your Highness,
 ' hath the Precedency in the People's Opi-
 ' nion, and therefore it's hoped you will
 ' have it in yours.

' IT may possibly be fit for your High-
 ' ness's Observation, That the first Breach
 ' which happened amongst those worthy
 ' Persons,

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Persons, who instrumentally carried on our Common Cause, arose from the taking away the Title and Office of *King*, so often declared for, and engaged to be maintained by the Parliament; till then we went Hand in Hand, and took sweet Council together; and if the abolishing thereof caused so sad a Breach, probably the Restoration of it may make it up again.

YOUR Highness was pleased to say, You assumed the Office you now bear with no better Hope than to prevent Mischief; questionless we may expect better Fruits from the supream Magistracy: And if your Highness, who is every way so worthy of that Office, had no better Hopes under the Title *Protector*, we may justly ascribe it not unto your self, but unto the Constitution of Government you acted under; and therefore, if your Highness will assume the Supream Magistracy according to the Laws, we shall both hope and believe that you will not only prevent Ill, but do much Good, the best Governour being grafted upon the best Government. Your Highness expressed some Doubts, That the Providence of God hath blasted the *King's* Office in the Dust, and that by an Act of Parliament it was laid aside: But I humbly hope your Highness will pardon me, if I cannot have the like Apprehension, I cannot believe if that Office were blasted by the Hand of God, that the Parliament would Advise and Petition you to take it up. Besides, Sir, the very Act which first cast out the Kingly Office, did also cast out the Supream Magistracy in any single Person; yea, by way of Election or otherwise.

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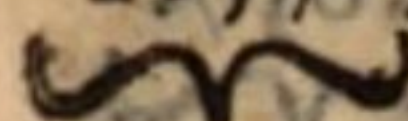
' wife: Therefore I beg your Pardon, if I
 ' cannot think that that Act of Parliament
 ' can be interpreted as a Providential Blast-
 ' ing of that Office, which your Highness
 ' thought necessary to accept of, and by
 ' Virtue of which we have for some Years
 ' past enjoyed Quiet, and Protection. So
 ' that if Regal Government be blasted, then
 ' the Supream Magistracy in a single Person
 ' is as much so, they being both equally de-
 ' clared against at the same time, and in the
 ' same Act of Parliament; and that since
 ' your Highness, by your Actings, have evin-
 ' ced you did not believe the Supream Ma-
 ' gistracy in a single Person was blasted by
 ' Providence, you will permit us to believe,
 ' that Regal Government is no more blasted
 ' than that, the same Authority and the
 ' same Act having blemished (as far as it
 ' could) both alike; but your Highness is
 ' pleased to say, Regal Government is cast
 ' out *de facto*. If the weight of the Argu-
 ' ment does rest thereon, your Highness, by
 ' accepting the Petition and Advice of the
 ' Parliament, will make your Argument as
 ' strong for Regal Government as ever it
 ' was against it; and 'tis hoped your High-
 ' ness will not doubt, that what one Supream
 ' Authority did suppress, another may erect:
 ' That seemed necessary at that time in their
 ' Judgment only, then they knew not what
 ' to do when they had ejected Kings, and
 ' we shall be in the like Perplexity if now
 ' you accept not of this: What the Long
 ' Parliament did after so long a War, must
 ' be considered rather as a Result of Provi-
 ' dence, than the Expulsion of the other.
 ' The Act of Parliament must be considered

*
* *

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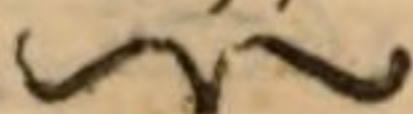
under that Notion only, and yet I think there are few that esteem it not as fit to prefer Regal Government again under due Qualifications, as then 'twas esteemed fit not to allow of it under any: Again, if your Highness's Argument was carried on as far as it might be, I apprehend it might also bring it in Question, that the Parliament was blasted by Providence; for whoever allows not the Dissolving of the Long Parliament to be under that Notion, will hardly find a good Reason for its Dissolution.

BUT it may be answer'd, That it may have been rejected on the Account of some that acted in it, who were suspected to have a Design of perpetuating themselves in that Authority, which would have turned what should have been our Physick into our Poison. To which I humbly answer, Had that been so, the People might have had new Writs sent unto them for the Election of their Representatives, who might have carried on the Publick Affairs of the Nation by a new Parliament; but it seems those Times would not bear it, and therefore a Convention of select Persons were called, unchosen by the People, to whom all Power was devolv'd, and who had even a Right to have perpetuated themselves, by calling into themselves from time to time such as they thought fit: So that Parliaments were not for that Turn only laid aside, but even by that Constitution, which did it, were perpetually excluded. By which it is Evident, That if Kings were *de facto* blasted, Parliaments were the like, yea much more; for in the Act for
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abolishing Regal Government, it was Treason in those only who offered to restore it, but by Consent in Parliament: But in that Assembly, there was no such Provision for Parliaments ever, as hath been said. By their Constitution, Parliaments were excluded; and to Evidence how much Stress there lies barely upon a legal Name, that Assembly, to give a greater Sanction to their Actings, styled themselves a *Parliament*, as the only Name fit for them to be taken notice of, as the Supream Authority of the Nation, which possibly may invite your Highness to believe, that godly and wise Men think it Essential to have Titles consonant to our Laws: And therefore that your Highness, in the Exercise of the Supream Magistracy, will be the rather invited to assume the Title of *King*, that being only consonant to the Law. I think all sober Men agree upon the Necessity of a Government, but for the particular Form thereof, it is left to the Wisdom of those which the People chuse to represent them, to set up such an one as may be most fitted to their *Genius*, and likeliest to tend to their Good and Tranquillity. If any can prove, that Regal Government, by the Word of God, is unlawful, or that People have not Power to give the Supream Magistrate what Name they think best, I should be then silent: But since that Power is Unquestionable in the Representatives of the People, and that they have desired your Highness to govern them by the Title of *King*; and since also nothing can be objected against it, and both Reason and Custom pleads for it; we earnestly hope, you

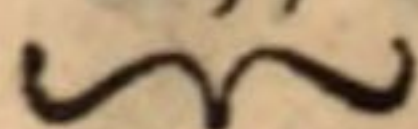
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‘ you will not think fit to deny the People
‘ that which is their Right; and I believe it
‘ was not yet denied by any Supream Magi-
‘ strate to any People: To which may be
‘ added, That if the Kingship has been cast
‘ out by many Providences, your Highness,
‘ in accepting it, will shew, That it is re-
‘ stored at least by as many more that have
‘ happened in the Intervals between its Re-
‘ jection and Restitution.

‘ **Y O U R** Highness did further Object,
‘ That some good Men would be offended
‘ at your Acceptance of that Title. I con-
‘ fess that is very considerable, and I think
‘ every judicious Person in the House would
‘ be very cautious to give Men under that
‘ Character a just Offence: But your High-
‘ ness will be pleased to permit me to mind
‘ you of the Character you gave of good
‘ Men in your last Speech: They are such,
‘ you said, as give Obedience to Gospel-Or-
‘ dinances, which requires Obedience to
‘ Authorities, not for Fear, but for Con-
‘ science-sake: That you reckon nothing of
‘ Piety without that Circle; and that any
‘ Principle which opposes this was Diaboli-
‘ cal, and sprung from the Depth of Satan’s
‘ Wickedness. You were pleased further to
‘ say, That tho’ some good Men scrupled at
‘ that Name the Parliament thought fit to
‘ assume, yet their doing so was no Part of
‘ their Goodness: By all which it will be
‘ evident, that your Acceptance thereof can-
‘ not offend good Men, unless they esteem
‘ their Obedience to a Gospel-Ordinance an
‘ Offence, which I hope no good Men will
‘ or can do. I shall also humbly beseech
‘ your Highness to consider, That if on the

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' one side the Acceptance of the Title may
 ' offend some good Men, so on the other
 ' side the Declining of it will give Offence
 ' to the Parliament, where all good Men
 ' are legally and at once only represented.
 ' The Case of *David*, when his Child was
 ' sick, may possibly parallel the Case of such
 ' good Men as are herein unsatisfied. While
 ' the Child was sick, he was very earnest
 ' with the Lord for the restoring of it to
 ' Health, but God was not pleased so to do,
 ' and the Child died: His Servants being of
 ' another Principle than himself, thus rea-
 ' soned; If his Trouble and Grief were so
 ' great, while yet the Child was not dead,
 ' What will it be now it is dead? But *David*
 ' reasoned thus; While there was Hope, I
 ' wrestled with God; but since his Will is
 ' declared, I chearfully submit to it. I hope,
 ' as the scrupulous Consciences of good Men
 ' in the particular Point of Regal Govern-
 ' ment is a Parable in the History, so it will
 ' likewise prove in the Event.

' YOUR Highness was further pleased
 ' to mention some Considerations in Refe-
 ' rence to Safety; to which I humbly an-
 ' swer, The Things that are offered to you
 ' are just in themselves, in Reference to
 ' Civil and Spiritual Things, and so acknow-
 ' ledged by you: That Authority that ten-
 ' ders them, is the Supream Legal Authority
 ' of Three great Nations. You have a
 ' faithful and a good Army, and we have
 ' you at the Head of them: What shall we
 ' then fear? To which I shall only add,
 ' That Safety hath been often in Danger by
 ' the King and Parliament's disagreeing;
 ' but this is the first Time (if it be in Danger)
 ' that

1657.

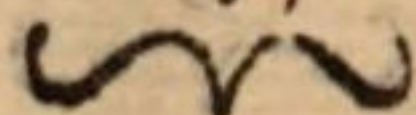
' that ever it was by their Agreement : To
 ' which I may further add, That whatever
 ' Evil may arise from your Agreement with
 ' your Parliament, it will befall us in the
 ' way of our Duty, which is an inward
 ' Comfort to Ballance any outward Evil :
 ' But if any Evil happens, by your not clo-
 ' sing with your Parliament, we shall under-
 ' go the outward Harm, and be denied the
 ' inward Support. Your Highness was pleas'd
 ' to say, You had rather have any Name
 ' from this Parliament, than the greatest
 ' Name that is not given by them. Permit
 ' me therefore now to say, That to all other
 ' Arguments, we have one that is irrefutable,
 ' and that is your own Engagement, for the
 ' Parliament doth desire and advise you to
 ' accept the Name of *King* : Hitherto we
 ' have pleaded but upon the Account of
 ' your Engagement, and it is humbly hoped,
 ' your Highness, who hath so exactly ob-
 ' served your Word to the worst of your Ene-
 ' mies, will not break it to your best Friends,
 ' the Parliament.

THE Lord Commissioner *Whitlock*, who
 was the first, according to his Place as Chair-
 man, that begun this Matter, was pleased to
 conclude the whole Argument with the fol-
 lowing Discourse to the Protector.

S I R,

' I have very little to trouble your High-
 ' ness with, so much hath been already spo-
 ' ken and so well, that it will be hard for me
 ' or any other to undertake to add to it ; only
 ' the Duty of my Employment, and some-
 ' thing due to your Highness, occasions me

1657.



' to speak a few Words to acknowledge, with
 ' very humble Thanks, the Honour and
 ' Right which you have done this Committee,
 ' by the clear and free Discourses and Con-
 ' ferences which they have had with your
 ' Highness; and for your frequent Expres-
 ' sions and Testimonies of Affection and
 ' Respect to the Parliament, whose Sense in
 ' this I may presume to speak, That never
 ' any Persons met their Supream Magistrate
 ' with more Love, Duty and Honour, than
 ' the Parliament have met your Highness
 ' with, in their present Addresses; which
 ' Argument of Love deserves the Esteem
 ' and Force, which I doubt not but your
 ' Highness will put upon it. I am afraid to
 ' be too tedious at any time, especially at so
 ' late an Hour, and therefore shall speak but
 ' briefly to some Things which I remember
 ' have not been mentioned.

' YOUR Highness was pleased, at the
 ' last Meeting, to say, That the Original
 ' Institution of the Title of *King* was by
 ' Common Consent, and that the same Com-
 ' mon Consent might institute any other
 ' Title, and make it as effectual as that of
 ' *King*: This must be acknowledged, but
 ' withall, you may be pleased to observe,
 ' That the Title of *King* is not only by an
 ' Original Common Consent, but that Con-
 ' sent also approved and confirmed, and the
 ' Law fitted thereunto, and that fitted to the
 ' Laws, by the Experience and Industry of
 ' many Ages, and many Hundreds of Years
 ' together; whereas any other Title will be
 ' only by present Common Consent, with-
 ' out that Experience and Approbation. As
 ' for that Experience which your Highness
 men-

mentioned to have been of other Titles, 1657.
 and the due Administration of Justice under
 them, that is far short of the other; and
 for the Course of Justice, we have Cause
 to thank that Care which plac'd so good
 Judges and Officers over us; yet give me
 leave to say, That in private Causes between
 Party and Party, and in Publick Matters
 in Criminal Causes, it was not easie to find
 Justice to be done by some Jurors; and ma-
 ny Questions have risen upon the Occasion
 of those new Titles, concerning that ten-
 der Point of good Men's Satisfaction: I
 think it requires a very great regard from
 us, and I doubt not but those good People
 will be fully satisfied, if they consider the
 Covenants, Promises, and Precepts, which
 in the Scriptures are annex'd to the Name
 of *King*: And tho' some have alledged, that
 they belong to any chief Magistrate as well
 as to a *King*; yet no Man did ever read the
 Original Word translated otherwise than
King; neither do I find the present Title
 once mentioned in Holy Writ.

I F the present Authority be a Lawful
 Authority, which I hope none of us will
 deny; surely those good Men, who are so
 well principled in Godliness, will not for-
 get that Precept of Submission to Authority,
 and to be satisfied with that which Lawful
 Authority shall ordain. Their Rights and
 Liberties are the same with ours; and the
 Parliament cannot Advise any Thing for
 the Preservation of the People's Rights,
 but these good Men are included, which I
 hope will be no Dissatisfaction to them in
 all the Changes which we have seen: There
 has been a Dissatisfaction in some, yet still

1657. *W* the Blessing of God hath gone along, thro' all these Changes, with those who carried on his Interest; and the Cause being the same, the same Mercies have been continued: And I doubt, if the intended Change, or rather Restitution, be made, as I hope it will, but the same God will continue his Blessings to that Good Old Cause, wherein we are engaged; and that good Men receive Satisfaction by it.

YOUR Highness hath been told, That the Title of *King* is upon the Foundation of Law, and that a new Title must have a Constitution to make the Laws relate unto it, and that unto the Laws: I shall only add this, That a Title by Relation is not so certain and safe, as a Title upon the old Foundation of the Law; and that a Title upon a present single Constitution, as any new Title must be, cannot be so firm, as a Title, both upon the present Constitution and upon the old Foundation of the Law likewise, which the Title of *King* will be. If any Inconvenience should ensue upon your Acceptance of this Title which the Parliament adviseth, your Highness's Satisfaction will be, that they did Advise it.

ON the contrary, If any Inconvenience should arise upon your Highness's Refusal of this Title, which the Parliament hath advised, your Burden will be the greater. And therefore whatsoever may fall out, will be better answered by your Highness's complying with your Parliament, than otherwise. This Question is not altogether new; some Instances have been given of the like, to which I shall add Two or Three. The Titles of the King of *Eng-*
land,

1657.

‘ *land*, in the Realm of *Ireland*, was Lord
 ‘ of *Ireland*. And the Parliament, in the
 ‘ 33 *Hen. VIII.* reciting the Inconveniencies
 ‘ that did arise there by reason of that Title,
 ‘ did Enact, That *Henry VIII.* should assume
 ‘ *The Style and Title of King of Ireland*, which
 ‘ in the Judgment of that Parliament was
 ‘ preferred before the other. In the State of
 ‘ *Rome*, new Titles proved fatal to their Li-
 ‘ berties.

‘ THEIR Case was not much unlike
 ‘ ours ; they were wearied with a Civil War,
 ‘ and coming to a Settlement, *Cuncta discor-*
 ‘ *diis civilibus fessa sub nomine principis imperium*
 ‘ *accepit*, some would not admit the Title of
 ‘ *Rex* to be used, but were contented to give
 ‘ the Titles of *Cæsar*, *perpetuus Dictator*, *Prin-*
 ‘ *ceps Senatus*, *Imperator*. *Non sum Rex sed*
 ‘ *Cæsar* ; and it came at last to this, *Voluntas*
 ‘ *Cæsaris pro lege habebatur*. The Northern
 ‘ People were more happy amongst them-
 ‘ selves : A private Gentleman of a Noble
 ‘ Family took up Arms with his Countrymen
 ‘ against a Tyrant, and, by the Blessing of
 ‘ God, rescued their Native Liberties, and
 ‘ Rights of their Country, from the Oppres-
 ‘ sion of that Tyrant. This Gentleman had
 ‘ the Title of *Marshal* given unto him, which
 ‘ continued for some Years. Afterward their
 ‘ Parliament, judging it best to resume the
 ‘ old Title, elected this Gentlemen to be
 ‘ their *King* ; and with him was brought in
 ‘ the Liberty of the Protestant Religion,
 ‘ and the Establishment of the Civil Rights
 ‘ of that People, which have continued in a
 ‘ prosperous Condition ever since unto this
 ‘ Day. Sir, I shall make no other Applica-
 ‘ tion, but, in my Prayers to God, to direct

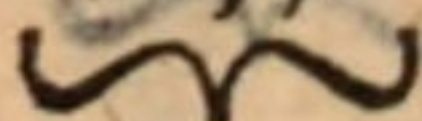
1657. *W* your Highness, and the Parliament, (as I hope he will) to do that which will be most for his Honour, and the Good of his People.

THE Lord Commissioner *Whitlock* having reported the Whole Conference to the Parliament, with the Protector's Answer, which at last concluded with an absolute Refusal of the Title of *King*, I ought to be held the more excuseable in bringing it into his Life; and still the more, upon Account of the Scarcity of these Debates, which may perhaps be a Means to enlighten some Men's Minds concerning the Necessity and Conveniency of Regal Government in these Nations, and what a Madness it would be in any to go about to destroy it again.

IT should have been observed before, That the Lord Commissioner *Whitlock* declined the first Delivery of the Petition and Advice to the Parliament, as not liking several Things contained in it; but Sir *Christopher Pack*, to have the Honour as he imagined of it, presented it first to the House; and the Lord Commissioner *Whitlock*, the Lord *Broghill*, *Glynn*, and others, promoted it. The Lord Protector often consulted the Lord Commissioner *Whitlock*, the Lord *Broghill*, *Pierpoint*, Sir *Charles Wolseley*, and *Thurlo*, about this, and some other weighty Matters, and would be shut up with them Three or Four Hours together in private Conference, he having great Regard to their Judgment and Counsel.

ABOUT

ABOUT this time, the Queen of Sweden 1657.
having sent an *Italian* Gentleman, named *Passerini*, to the Protector, with Letters of Credence, and to inform him of some secret Affairs: The Queen's Instructions to him were, To apply himself first to the Lord Commissioner *Whitlock*, with Letters to him from her Majesty, whereby he was desired to introduce that Gentlemen into his Highness's Presence, and to promote his Business. He acquainted *Oliver* with it, read the Queen's Letters to himself, which were in *French*, and then, at his Desire, read them again to him in *English*. The Protector taking the Matter into Consideration, and some of his Council suggesting to him, That the Messenger, being an *Italian*, might bring Poison with his Letters, which might endanger his Highness's Life; and therefore dissuaded him from receiving the Messenger. The Protector smilingly acquainted *Whitlock* with it, who convinced him of the Folly of it, and the great Dissatisfaction the Queen would take, in case her Secretary should be refused Audience. The Protector reply'd, That the Gentleman desired to deliver his Errand in private to him, and that none should be by, but one more, whom the Protector should appoint, and that Person, he said, he intended should be himself; who answered thereupon, That if he were by when the Gentleman delivered his Letter, he would receive it first from him, and run the Hazard of being poisoned by it: At which the Protector laugh'd, and appointed a Day for the Gentleman's Audience. *Whitlock* received the Letter first, and then the Gentleman delivering his secret Message to

1657.  to the Protector, the Lord Commissioner *Whitlock* interpreted it to him from the *French*, which contained a particular Account of the Reasons why Queen *Christina* ordered her Servant, the *Italian* Marquis, to be put to Death in *France*: He also proposed several Things to him, in order to Alliances with Foreign Princes, which were of great Consequence and probable Advantage to *England*. The Lord Commissioner *Whitlock* procured the Gentleman to be civilly treated during his Stay, and a respectful Answer upon his Dismission, with which the Queen was pleased.

T H E Lord Commissioner *Whitlock* having, as Chairman, dispatched the great Point of the humble Petition and Advice, touching the Title of *King*, which was now laid aside, absented himself as much as he could from the Committee, that some others might be employed in the other Points relating to the Petition; and *Lenthall*, Master of the Rolls, took it upon him: And the Parliament having at length agreed, That *Oliver's* Title should be *Lord Protector*; the Lord Commissioner *Whitlock* attended at his Inauguration in *Westminster-Hall*, and sat in the Boot of the Protector's Coach, with his Son *Richard*, in his Return to *Whitehall*.

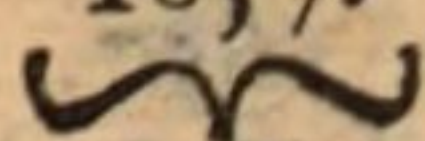
DUNKIRK being now to be besieged by the united Forces of *England* and *France*, the Protector advised with the Lord Commissioner *Whitlock* about it. He was also about the same time desired to meet the Commissioners appointed for ejecting scandalous and insufficient Ministers; but that was a Work he did not at all like. Mr. *Rous*, the Provost of *Eaton*, dying in *October* this Year, the Lord
Com-

Commissioner *Whitlock* was advised by some of his Friends to endeavour to get the Place, it being a pretty valuable, quiet and honourable Employment, and fit for a Scholar, for which he was very capable: But, upon his Application to the Protector for it, he found him engaged, or at least seemed to be so, for another. *Whitlock's* Services were past, and therefore there was no Necessity for a Recompence; and it was held convenient to reserve it, as a Bait for others to be employed by him.

HOWEVER, the Lord Commissioner continued still in play; and there being some Soldiers to be shipp'd off for the Service of the King of *Sweden*, this was much further'd by his Advice to the Protector: To whom likewise, as a Commissioner of the Treasury, he made several Reports of Arrears of Money due to the Government; and upon Advice with the Council, several Orders were made for collecting and bringing them in.

THERE being an Article in the Humble Petition and Advice, empowering the Protector to summon several Members to sit and serve in the other House of Parliament, there were Sixty of them in all nominated, among whom *Whitlock* was one: This was called the House of Lords, who, in *January* this Year, taking into Consideration the State of Affairs relating to Foreign Princes and States, and particularly to *Sweden*, the Lord *Whitlock* gave them a full Account of his Negotiation in that Country, and of the Interest of *England* in respect to *Sweden*; with which the House seemed to be extreamly well satisfied.

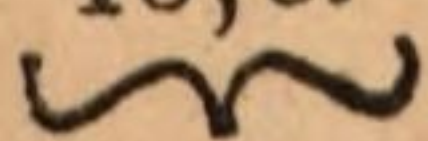
1657.



THE House of Commons quarelling with the other House, the Parliament was dissolved by the Protector; who now appointed the Lord *Whitlock*, (though not well satisfied with the Publick Management) with the rest of the Commissioners of the Treasury, the Recorder of *London*, and the Master of Requests, or any Two of them, a Committee to hear Appeals from *Guernsey* and *Jersey*, and to report their Opinions therein to the Council: And the Protector having about the same time detected a grand Conspiracy against him, the Lords Commissioners of the Great Seal, of the Treasury, the Judges, and many others, were nominated Commissioners under the Great Seal for the Trial of the Conspirators. The Lord *Whitlock* was one of them; but he never sat in this High Court of Justice, it being against his Judgment: However, some time after, the Protector, according to the Lord *Whitlock's* former Advice to him, wherein *Thurlo* agreed, referred several of the new Conspirators to be tried at the Upper-Bench-Bar, after the Course of the Common Law.

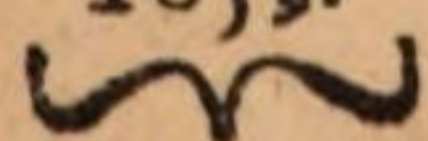
THE last Instance of the Protector's Favour to the Lord *Whitlock*, about a Fortnight before he died, was his signing a Warrant for a Patent to make him a Viscount, and the same was lodged in Secretary *Thurlo's* Hands to be passed; but the Lord *Whitlock* declined it.

1658.



OLIVER dying on the 3d of September, and his Son *Richard* proclaimed Protector in his stead, *Richard* shewed a very particular Respect to the Lord *Whitlock*; for on the 22d

1658.



of January, by the Advice of some about his Person, and without the Seeking of the other,

1659.

other, he was sent for to *Whitehall*, where he met *Fiennes* and *Lisle*, the Two Lords Commissioners of the Great Seal; and being called together into the Council Chamber, the Great Seal was delivered to *Richard* sitting in Council; upon which he presently gave it to *Whitlock*, and the other Two, as Keepers of the Great Seal of *England*. A great many wonder'd at this; and some were of opinion, that *Fiennes* had desired it, as finding *Lisle* not so capable of executing that Place as was expected; and that his own want of Experience in that Court, Multitude of other Occasions, and his Attendance upon *Richard* and the Council, made him desirous to have the Lord *Whitlock's* Assistance therein. *Richard's* Government was not long-liv'd: The Army was greatly dissatisfied; and he was abused and betrayed by his nearest Relations, and those of the Council. *Whitlock* was wary in his Advice to him; but, when required, declared his Judgment honestly, and for *Richard's* Good; who now advised with him more particularly, as well as with the Lord *Broghill*, *Fiennes*, *Thurlo*, and *Wolfeley*, Whether it were not proper to dissolve that Parliament? Most of them were for it; but the Lord *Whitlock* doubted the Success of it, and wished they might be allowed to sit a little longer, especially that they had now begun to consider the raising of Money, by which they would engage the Soldiery.

THE Parliament being dissolved on the 21st of *April*, *Richard's* Power soon determined with it; and the General Council of the Officers of the Army publishing a Declaration, inviting the Members of the Long Parliament, who had continued sitting till the 20th

1659.
W

20th of *April*, 1653. to return to the Exercise and Discharge of their Trust, they met accordingly; and on the 13th of *May* having nominated a Council of State, the Lord *Whitlock* was one of them, though about the same time the Parliament having passed an Act for a new Great Seal, his Commission, as one of the Keepers of it, determined.

THE Parliament judging an Union with *Scotland* a Matter of the highest Importance at this Time, referred it to the Consideration and Management of the Members of the House that were of the Council of State, and to prepare an Act for it; and *Whitlock* was more particularly desired by the Council to take Care of it. In the mean while, he had private Intimation from *Fleetwood*, That *Scot* had got Intelligence, that *Whitlock* corresponded with the King of *Scots*, or some of his Ministers, and that *Scot* intended to charge *Whitlock* with it at the Council-Board; wherefore *Fleetwood* advised *Whitlock*, if it was so, to forbear coming to the Council, and *Fleetwood* would take Care that nothing should be done against him; but that, if *Whitlock* were innocent, he might use his own Discretion in the Matter. *Whitlock* wonder'd at this Pace, well knowing his own Innocency, and therefore did not absent himself from the Council: However, *Scot*, in a cunning Manner, communicated his Intelligence to the Council, as from one of his Spies beyond Sea, who brought him Word, That Sir *Anthony Astley Cooper* and *Whitlock* held Correspondence with Sir *Edward Hyde* beyond Sea. *Whitlock* positively denied any Correspondence with the King,
Sir Ed-

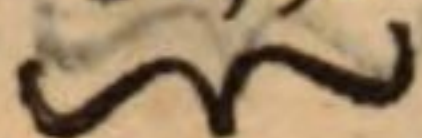
1659.

Sir *Edward Hyde*, or any of the King's Adherents, desired no Favour if they could prove any such Thing against him, and moved to know his Accuser; but that was waved, and *Whitlock* re-admitted into his Post of one of the Council of State.

ON the 5th of *June*, the Council of State nominated *Whitlock*, Colonel *Sydney*, and Sir *Robert Honynwood*, to go Commissioners to the *Sound*, to mediate a Peace between the Kings of *Denmark* and *Sweden*. *Whitlock* had no Inclination to this Employment, especially in Conjunction with those who expected Precedency of him, since he had been before Ambassador Extraordinary alone to *Sweden*; and he very well knew the haughty Temper of Colonel *Sydney*, and therefore endeavoured to excuse himself upon the Account of his Age and Infirmities, and at last prevailed in it.

GENERAL *Monk*, from *Scotland*, now mightily complimented *Whitlock* by Letters, That the Management of the Union between the Two Kingdoms being left to him, he wished he might see him there. The Bill some Days after he brought into the House, having a little before attended the *French* Ambassador to his Audience, according to Appointment.

THE Council of State, of which *Whitlock* was at this Time President, were much perplexed about the several Intelligences they had received, of Insurrections in divers Parts of the Nation, and issued out their Orders to the Forces of the Parliament to meet and oppose them; all which passed through *Whitlock's* Hands: All the Letters were also brought to him, and many even at Midnight;

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night; yet he directed Answers in Bed by his Secretaries, and dispatched them away without any Delay when the Council could not meet. The House also voted, That the President of the Council, who was *Whitlock*, should have Power to give his Warrant, under Hand and Seal, to commit any of those that should be brought before him, for a Fortnight. *Whitlock* was likewise employed to draw up a Letter to the King of *Sweden*, in answer to one from his Majesty to the Parliament, which the House agreed to; but he did not care to be one of the Commissioners for *Scotland*, as *Monk* desired, and so got that Matter put by.

THE Soldiery having once more turned out the Parliament, first nominated a Committee of Ten to take the Administration upon them; among whom they were pleased to nominate Mr. *Whitlock* for one; but he was not at all desirous of such an Employment, especially in such a ticklish Time as that was. Soon after, they nominated a new Council of Three and twenty, which they agreed to call, *A Committee of Safety*; and *Whitlock* was not only included in the Number, but they directed the following Letter to him from *Whitehall*, bearing Date October the 27th.

To our Honoured Friend, Bulstrode Lord *Whitlock*.

SIR,

UPON Consideration of the present Posture of Affairs of this Commonwealth, the General Council of Officers of the Army have thought fit to appoint a Committee of Safety for the Preservation of the Peace, and Management of the present Government

Government thereof; as also for their preparing of
 a Form of a future Government for these Nations,
 upon the Foundation of a Commonwealth, or Free
 State: And your self being one of the Persons
 nominated for that Purpose, we do by their Di-
 rection hereby give you Notice thereof, and desire
 you to repair to morrow Morning, at Ten of the
 Clock, to the Horse-Chamber at Whitehall, in
 order to the Service aforesaid. We rest your Faith-
 ful Friends and Servants,

1659.

Zanckey.

Kelsey.

Packer.

Biscoe.

Salmon.

Creed.

Milles.

Clerk.

Allen.

Gough.

Ashfield.

King.

HAVING received this Letter, he was
 somewhat perplex'd, and conferred much
 with his Friends about the Tenour of it:
Desborough, and some others of the leading
 Men, as Things then stood, went to him,
 and made it their earnest Request, that he
 would undertake that Trust, and told him,
 That some of that Committee, as *Vane*, *Sal-*
wey, and others, had a Design to overthrow
 Magistracy, Ministry, and the Law; and
 that, to Counter-ballance them, they had made
 Choice of him, and some others, to oppose
 their Design, and to support and preserve
 the Laws, Magistracy and Ministry, in these
 Nations: That they knew their Abilities to
 do it, and depended much upon them;
 and that if he should refuse to accept of
 that Charge, it would very much trouble
 the General Council of Officers, and be a
 great Prejudice to the intended Settlement;
 and therefore they most earnestly pressed

A a

him

1659. him once more to accept of it: *Fleetwood* in particular was urgent with him, so indeed were many of his other Friends.

THE Committee of Safety being to meet on the 28th, *Whitlock* seriously revolved in his Mind the present Posture of Affairs, that there was no visible Authority or Power of Government but that of the Army; that if some Legal Authority were not agreed upon and settled, the Army would probably take the Administration into their own Hands, and govern by the Sword; or at least set up some Form or other prejudicial to the Rights and Liberties of the People, and for the particular Benefit and Advantage of the Soldiers, more than would be convenient: That he well knowing *Vane* and others Design, as to the lessening of the Power of the Laws, was such as tended to Change them, and the Magistracy, Ministry, and Government of the Nation, so far, as might be of very dangerous Consequence to the Peace and Property of his Country; He did conceive he might be, in some measure, instrumental to keep Things in a better Decorum and Form, and therefore did meet the Committee at the Place appointed, where he was received by them with all Civility and Respect.

HAVING concurred thus far with this New Establishment, the Committee were pleased to put him once more (as indeed he had often been since the Year 1648.) in Possession of the Great Seal; and upon the First of *November*, made an Order at *Whitehall* to this Effect: 'That taking into Consideration the Necessity of Disposing of the Great Seal, so as that the same might be made

made use of for the Publick Service, and the Administration of Justice, they ordered, That it should be committed to the Lord *Whitlock*, as Commissioner and Keeper of it, till further Directions; and the same was accordingly put into his Hands by the President; and an Order was made, That an Entry of the Delivery of it to the said Lord *Whitlock*, as Commissioner and Keeper of it, should be entred in the Close-Roll in *Chancery*, and in the Petty-Bag Office." 1659.

MONK began now to stir in Favour of the Rump-Parliament, so lately Cashier'd; so that the Committee gave out Commissions for raising new Forces; and among the rest, one to *Whitlock*, for a Regiment of Horse: Then *Whitlock*, *Fleetwood*, and several of the chief Officers of the Army, went to the Common Council of *London*, and representing *Monk's* Proceedings to them, urged, That his Design at the Bottom was to bring in the King upon the Foot of a new Civil War, the Danger of which they represented to the City and Nation, advised them to provide for their own Safety, and to unite for the Preservation of the Peace, and of the whole Nation. The Common Council return'd them Thanks, and resolved, at least seemingly, to follow their Advice for the present.

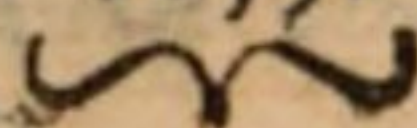
Mr. *WHITLOCK*, some Days after this, being appointed one of the Committee of Nineteen, that were to determine the Qualifications of those that were to be Members of Parliament; for which, a Proclamation was solemnly published, and the same much promoted by *Whitlock*: When the Matter came to be considered at the General

1659. Council of Officers, and the way of choosing those Members, *Whitlock* informed them, That some Things that were proposed were expressly contrary to Law, and to the Oath he had taken as Keeper of the Great Seal; and that therefore, if those Things should be insisted upon, he could not, without the Breach of his Duty, seal Writs for a Parliament after that manner. Some of the Officers saying hereupon, That if he would not do it, they would seal the Writs themselves; *Whitlock* reply'd, That he was ready to deliver up the Seal to them; and that it was there ready, if they pleased to take it from him.

ANOTHER Officer, being nettled at this, said, That it could not be well, when, at such a Time as that was, a Lawyer should be intrusted with so great a Charge as the Custody of the Great Seal; and that it would be more proper for some Body who had encountred the Dangers of the War, and adventured their Lives for the Service of the Commonwealth, to have the keeping of it, than a Lawyer, who had not undergone Dangers as others had done: *Whitlock* answer'd again, That the Gentleman, who so much disparaged Lawyers, might call to mind the Services performed by *Ireton*, *Jones*, *Reynolds*, and others of that Profession, in the Course of the War; and that as for himself, he had been exposed to such Dangers in the Service of the Government, particularly in his Ambassy to *Sweden*, as the Colonel had never been; and therefore desired that such reproachful Language might be forborn: Hereupon *Fleetwood* and others justify'd

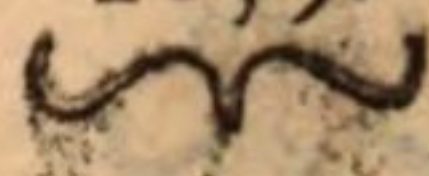
justify'd *Whitlock* and his Profession, and the Colonel was put to silence.

1659.



MOST of the Soldiers about *London*, as well as *Monk* and his Adherents, having declared for the Rump-Parliament's sitting again: This did not a little perplex the Committee of Safety, and Mr. *Whitlock* (now embarked with them) amongst the rest; he all along suspecting *Monk's* Design of bringing in the King, wherein he was the more confirmed by the Lord *Willoughby*, Alderman *Robinson*, Major-General *Brown*, Mr. *Loe*, and others, who came to confer with him; and at the same time proposed he should go to *Fleetwood*, and Advise him to send out of Hand to the King at *Breda*, to offer to restore him upon good Terms, and thereby be beforehand with *Monk*, who without doubt intended to do it: *Whitlock* having seriously weigh'd the Proposal, went and had a long Discourse in private with *Fleetwood* about this Grand Affair; wherein he told him, That at the Desire of his Brother Sir *William Fleetwood*, the Lord *Willoughby*, and Major-General *Brown*, he was come to discourse with him freely about their present Condition, and what was fit to be done in such an Exigency as they were brought to: That it was more than evident, That 'twas *Monk's* Design to bring in the King, and that without any Terms for those of the Parliament's Party; whereby all their Lives and Fortunes would be at his and their Enemies Mercy, they being sufficiently enraged against them, and in great Need of repairing their broken Fortunes.

1659.



HAVING broke the Matter thus far to *Fleetwood*, he proceeded and said, with a great deal of Freedom, That the Inclinations of the *Presbyterians* in general, as well as of many others, and of the City, and even of most of the Parliament's old Friends, tended that Way, and a great part of the Soldiery were likewise for it: That he saw those in and about *London* were revolted from himself their General, as those in the North had done by *Lambert*, as well as the Troops at *Portsmouth*, and other Places had done: That *Monk* would easily delude *Hastlerigg*, and the rest of the old Parliament-Men; and that all the incensed Lords and seclused Members would be, and were, active in that Design; so that the Restoration of the King was unavoidable: And that he thought (seeing it must be) that it was more Prudence in *Fleetwood* and his Friends to be the Instruments of it, than to leave it to *Monk*: That thereby *Fleetwood* might make Terms with the King for the Preservation of himself and his Friends, and of that Cause, in some Measure, wherein they had been engaged; but that if it were left to *Monk*, they, and all that had been done, would be exposed to the Hazards of being ruined.

WHITLOCK therefore proposed to *Fleetwood* Two Things, of which he was to take his Choice: First, To give Orders for all his Forces to draw together, that he himself, and his Friends, should appear at the Head of them, to see what Force they could muster that would stand by them, and accordingly to take such further Resolutions as they judged the Conjuncture might require: That if they found their Strength but small,

as *Whitlock* suspected, that then they should march with them, and take Possession of the *Tower*; and so send from thence to the Lord Mayor and Common Council of *London*, to desire them to joyn with them to declare for a Free Parliament; which he thought the City would willingly agree to, and at the same time supply him with Money to pay his Soldiers, by which Means their Numbers would increase.

THIS said, and *Whitlock* having express'd his Readiness to accompany *Fleetwood*, both into the Field, and to the *Tower*; and then being asked by him, What the other Way was he had to propose to him in that Exigency? *Whitlock* answer'd, That he should immediately dispatch some trusty Person to the King at *Breda*, to make him a Tender of his own and his Friends Service, to restore him to his Dominions, and that upon such Terms as the King should agree on; and to that End give the Messenger Instructions accordingly. *Whitlock*, upon *Fleetwood's* asking him the Question, having express'd his Willingness to go upon that Imployment; *Fleetwood*, after a great deal of Discourse more upon the same important Subject, seemed fully satisfied, and resolved to send *Whitlock* to the King, and desired him to go and get himself ready forthwith for the Journey; and that in the mean time, *Fleetwood* and his Friends would prepare his Instructions for him, so that he might be on his Journey that Evening, or at least early next Morning.

WHITLOCK, at his Departure from *Fleetwood*, meeting with *Vane*, *Desborough*, and *Berry*, in the next Room, coming to speak

1659.

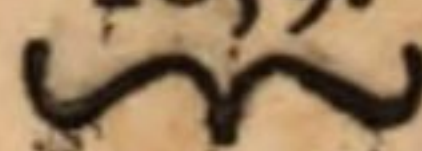

with *Fleetwood*, he thereupon desired *Whitlock* to stay a little ; which he did, with heaviness of Heart, as suspecting the fatal Issue of their Consultations ; and *Fleetwood* in a quarter of an Hours time coming out to him, in much Passion, said, I cannot do it, I cannot do it ; thereupon *Whitlock* desiring his Reasons for that sudden Change, he answer'd, That those Gentlemen had put him in mind, and it was very true, that he was engaged to do no such Thing without the Lord *Lambert's* Consent : *Whitlock* replying, That *Lambert* was at too great a Distance to have his Consent in an Affair that must be forthwith transacted ; and *Fleetwood* saying again, He could not do it without him ; *Whitlock* answer'd, *You will Ruin your self and your Friends ;* and so they parted.

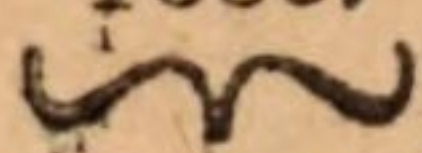
Mr. *WHITLOCK* having yet the Custody of the Great Seal, he sealed some Writs for the summoning of a new Parliament ; sent one to the Lord Mayor, and another to the Sheriffs of *London* : About the same time, Colonel *Ingoldsby*, his Son-in-Law, Mr. *Lee*, and Colonel *Howard*, coming to Mr. *Whitlock*, and conversing with him freely about the Change that was like to be in the Publick Affairs, in a Friendly Manner intimated to him, That his Circumstances required he should go to the King with the Great Seal ; but he, for what Reasons were best known to himself, not agreeing to their Overtures, they left him, and provided for themselves ; nay, *Ingoldsby*, tho' he had signed the Warrant for the King's Execution, by a timely Tender of his Service, found Favour and Indemnity upon the Restoration.

THE Rump-Parliament being got together again on the 26th of *December*, *Whitlock* was not without just Apprehensions that they would be severe upon him for acting in the Committee of Safety; and being inform'd, That *Scot*, *Nevill*, and others, had threatned to take away his Life; and that *Scot* had said, He should be hang'd with the Great Seal about his Neck: He was very sensible of *Scot*'s Malice to him, upon some former Contest that had happened about the Elections of Members of Parliament: This put him upon concerting Measures for his own Safety, and did not appear in the House.

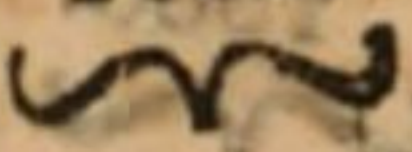
HIS absenting himself being observed by the Speaker, he sent him a Letter, requiring his Attendance in the House; upon which, he went to the Speaker, and made his Objections, That some of the Members seeing him there, might Move to have him called in Question, and so get him committed to Prison: To which the Speaker answering, That he believed there would be no such Thing moved; but that it would be taken as an owning of their Authority if he sat with them: He went thereupon into the House, where he found many of his old Acquaintance very reserved towards him; and he was advised by some of his Friends not to be present on the Day that was appointed to consider of the absent Members.

WHITLOCK having considered, and maturely weigh'd, all Circumstances in this very Critical Juncture, and finding many of his most intimate Friends grown very cool towards him, he thought it the best way for him (after the Turmoil of so much Business he had gone through in the most unstable and ticklish

1659.  ticklish Times) to retire; which he did privately into a Friend's House in the Country, having, before he went out of Town, locked up the Great Seal in a Desk, ordered his Wife to carry it to the Speaker, and to give him the Key of it; which she did accordingly, and *Lenthall* had the keeping of it till the further Order of the House.

1660.  IT'S not compatible with the present Design to enter into a Detail of the Particulars of the King's Restoration, which Mr. *Whitlock* no Ways opposed; but, considering the fluctuating and unsettled State of the Nation, he now heartily wish'd for it, tho' having acted for many Years, and in the various Revolutions that happened generally against the Interest of the Royal Family, all that he could expect was a peaceable Retirement: He had a very numerous Issue; but I know not whether it was true that he waited upon the King, after his Restoration, to beg his Pardon for all that he had transacted against him; and that his Majesty should bid him, Go live quietly in the Country, and take Care of his Wife and One and thirty Children.

Mr. *WHITLOCK* from hence forwards lived peaceably in the Country, and mostly at *Chilton* in the County of *Wilts*: Every Body may judge as they please of the Character Mr. *Wood* is pleased to give of him, viz. That he was an observing Person thro' all Changes, being guided more by Policy than Conscience, and that he had advanced much in Civil Affairs, by his Relation to the Publick, and his eminent Station; to which he adds, That he was an excellent Common Lawyer, as well
read

read in Books as Men, well versed in the ^{1660.} Oriental Languages, and much beloved by  Selden, and the then *Virtuosi* of his Time.

A T length, dying of the Stone at his House at *Chilton-Park*, on the 28th of *July*, 1675. he was buried in an Isle adjoining to the Church of *Falley*, or *Faceley*, near *Marlow* in *Buckinghamshire*, which he had built for a Burying-place for his Family. Among the Sons which he had by *Rebecca* his Wife, Daughter of *Thomas Bennet* Alderman of *London*, was, *James Whitlock*, first a Captain, afterwards Fellow of *All-Souls College*, then a Colonel in the Parliament-Army; one of the Knights for *Oxfordshire*, to serve in that Parliament which began at *Westminster* September 3. 1654. Knighted by *Oliver*, Jan. 6. 1656. Burgess for *Aylesbury* in *Buckinghamshire*, to serve in the Parliament that began at *Westminster* Jan. 27. 1658. Another of his Sons, is *Sir William Whitlock*, now living, a Lawyer, and eminent in his Profession. I shall say no more of his other Children, nor of him, to whom *Lilly* the Astrologer left his Estate, but proceed to his Writings; and the Things that he hath extant were these:

SEVERAL Speeches, viz. 1. Speech at a Conference of both Houses, Feb. 17. 1641. Lond. 1642. 4°. 2. Speech to the Queen of *Sweden*, 1653. the Beginning of which is, Madam, By the Command of my Superiors, and Parliament of the Commonwealth of England, &c. 3. Speech in Latin to the Queen of *Sweden*, in May or June, 1654. beginning, *Multo equidem cum tædio ferrem*, &c. 4. A Learned and Godly Speech, spoken when Sergeant *William Steel*, Recorder of the City of *London*, was made Lord Chief Baron in the Court of

1660.
W

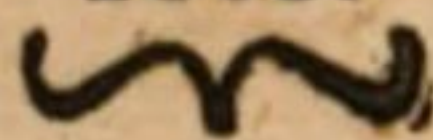
of Exchequer at Westminster, May 28. 1655.
5. A Speech to the Mayor, Aldermen, and
Common Council, of London, Aug. 9. 1659.
6. Another to them, Novemb. 8. the same
Year: Both published in one Sheet, in 4^o.

SEVERAL Discourses in the Trial of
Thomas Earl of Strafford. See in *Jo. Rush-*
worth's Trial of the Earl of Strafford.

MONARCHY asserted to be the best,
most ancient, and legal Form of Government:
In a Conference had at *Whitehall* with *Oliver*
Cromwell, Protector, and a Committee of
Parliament, in April 1657. Lond. 1660. 8^o.
made good, by Way of Argument, in at least
Five Speeches by him then spoken.

MEMORIALS of the *English Affairs*:
Or an Historical Account of what passed from
the Beginning of King *Charles I.* to the Re-
stitution of King *Charles II.* Lond. 1682. Fol.
It's no more than a Diary: It was published
by *Arthur Earl of Anglesea*. He also left se-
veral Volumes in Manuscripts behind him.
Several Things in his Life-time were father'd
upon him; among which, was a little Thing
published in January 1659. called, *My Lord*
Whitlock's Reports on Machiavel, &c. wherein
the Author tells us, That when *Whitlock* was
chosen a Member of the Long Parliament,
he had then no Interest, but contented him-
self with seeing the Fashions of the Parlia-
ment-House. At length, *Pym's* discerning
Eyes spying that Curiosity, presently at-
tacked his unconcerned, undetermined Mind,
and, with the Proffers of Greatness and Popu-
larity, brought him over to his Design, and
became his Second, &c. Also, that when he,
with other Commissioners, attended the
King at *Oxford*, with Propositions from both
Houses

1660.



Houses in order to Peace, the King shew'd the Commissioners, during their Stay there, great Respect; but of Commissioner *Whitlock* he took small Notice, &c. which implanted in him ever after an implacable Malice to him and his Posterity, &c. That he was sent to make a Speech against the young King at *Guildhall*, when he was at *Worcester*, which he did with so much Rigour and Confidence, that *Tichbourne* the next Day durst throw the King's Declaration into the Fire made at the *Exchange*. But this Account favours so much of Malice, and is so notoriously false in that Particular, of his being slighted by the King at *Oxford*, that we shall say no more of it.

THE

THE
PARALLEL
BETWEEN

Clarendon and Whitlock.

THEY were both Gentlemen by Extraction, of the same University, but of Two several Colleges, and not much different in their Age and Standing. Their youthful Days were no ways opposite, being neither vicious nor infamous. As for natural Parts, and acquired Endowments, they had each of them an immense Stock, not easily to be exhausted. Their Inclinations were equal to the Profession of the Common Law; so that they became Students in the same Inn of Court. Their respective Abilities grew conspicuous, and much revered, as soon as they came to act any ways in publick; and there were too many discerning Spirits in the Great Senate of the Kingdom, not to spy out those excellent Qualifications that were so useful and ornamental to these Times; but must be

said,

* *

said, in some measure, on both Sides, to have contributed to the great Mischiefs and direful Calamities that ensued.

FOR though both of them at first shew'd themselves active Patriots and Prosecutors of the Betrayers of the People's Liberties, *Whitlock's* Zeal seemed to transport him too far against the Great *Strafford*, while *Clarendon* was for gentler and more healing Allays; whereas, on the other hand, his tenacious Adherence to the Militia's being absolutely in the King, in such an unhappy Crisis of Time, seemed to come short of the Moderation of *Whitlock's* investing it in King and Parliament together.

I KNOW not whether *Clarendon's* Zeal for Episcopacy, in all the minuter Appenages belonging to it, was not as unseasonable and distemper'd, as *Whitlock's* Indifferency to the whole Order; who, however, was as much against a *Jure Divino* Presbytery, as the other seemed to be fond of a *Jure Divino* Prelacy.

ONE should think, That *Clarendon's* Disinclination to a Military Life, should have render'd him a more hearty Disswader of his Royal Master from entering upon a Civil War, than *Whitlock* was of the Parliament, though a Person of clear Courage, and somewhat of a Soldier.

HOW different soever their Sentiments appeared to be, as to the unnatural War that followed, they were equally unhappy, that the Excellency and Usefulness of their Pens, to the contending Parties, should contribute to widen, rather than make up, the gashly Breach, which their Mutual and After-Endeavours at *Uxbridge* could not effect.

EMI-

EMINENTLY great was the Disparity of their Conduct in the calamitous Times that came on, and very much in Favour of *Clarendon*, whose Steadiness and uninterrupted Adherence to the Royal Cause, in all the Disappointments and Declensions of it both at Home and Abroad, and amidst many Pressures and Mortifications put also upon him by those from whom he might have expected quite another Treatment, shone as bright, and added as much Lustre to his Fame, as the other's easy Compliances with almost all the monstrous Turns of Government that came up, detected more a Meanness of Temper than real Sagacity, to which some might possibly attribute it. It's true, *Whitlock* shew'd great Firmness of Mind in absolutely refusing to intermeddle with the King's Trial; but then soon sullied it, in some degree, by being prevailed on to draw an Act to take away the House of Lords.

WHICH of them Two was the greater Lawyer, Statesman, Historian, or Divine, shall be no Subject of our Enquiry. 'Tis not with the least Design or Inclination to injure the other's Memory, that I offer to say, *Whitlock* seems to have been better seen in Antiquity.

THEY had been both Ambassadors in Countries remote enough from one another, and discharged their Commissions with much Prudence and Fidelity, though not with equal Success, the Circumstances of Things, and the then Conjuncture, being much more propitious to *Whitlock* than the other.

THOUGH *Clarendon*, upon the happy Return of his Royal Master, as a Reward of
his

his Loyalty, had more real and substantial Honours conferred upon him, not only by the Title of Chancellor, but being dignified with the Peerage of *England* in the true and durable Form, than the Irregularity of the Times would allow *Whitlock*; This last, in the faithful Distribution of Justice, and other Publick Administrations, came off with a clearer Fame, than the Perverfeness and ill Humour of the Age would allow his Opponent.

WHATEVER Disparity there was in these Two great Men's Lives, their Exits were not very different; the One died of the terrible Distemper the Gout, and the Other of the no less terrible Disease the Stone. One breath'd his last abroad in an exiled and abandoned State; the other, secluded from Court and Business, ended his Days at home, in a kind of Solitude and Obscurity, not much unlike unto Banishment.

HISTORY informs us, Three of the most illustrious and famous Persons in the World, viz. *Hannibal*, *Scipio*, and *Philopomene*, died the same Year; so did *Clarendon* and *Whitlock*, within less than the compass of one Annual Revolution: Indeed, the Remains of One had the Honour to be deposited amongst the Ashes of our Kings; while the other was content to rest in ignobler Earth, and a Place of his own preparing. Finally, there was this notable Difference between them after Death; That while the last lay untraduced, and scarce mentioned by any Body at all, in the Silence of the Grave; the Other was ill spoken of, and his

very Memory abhorred by many, who knew as little of his Crimes, if he had any, as they were notoriously ungrateful for the many signal Services he had performed for his King and Country.

THESE TWO GREAT MEN HAVE THEIR FATES

were not very different; the One died of the terrible Distemper the Other, and the Cause of the no less terrible Distemper the Same. One breath'd his last breath in an exiled and abandoned State; the other, excluded from Court and Kingdom, ended his Days at home, in a kind of solitude and Obscurity, not much unlike unto his

THE OR Y informs us, That of the most illustrious and famous Persons in the World, viz. Alexander, Scipio, and Pompey, were died the same Year; so did Cæsar, Pompey and Brutus, within less than the compass of one Annual Revolution; indeed the Remains of Cæsar had the Honour to be deposited amongst the Ashes of our Kings; while the other was content to rest in ignominy.

ing. I really there was this notable Difference between them after Death; I hat while the last lay unburied, and scarce mentioned by any Body as all in the Silence of the Grave; the Other was all spoken of, and his very

T H E APPENDIX.

TH E Lord Chancellor *Bacon's* Letter to the House of Lords, about the Bribery he was charged with in the Execution of his Office, mentioned in the Second Part of the First Volume, Pag. 100.

May it please your Lordships,

I Shall crave at your Hands a benign Interpretation of that which I shall now write ; for Words that come from wasted Spirits, and oppressed Minds, are more safe in being deposited to a noble Construction, than being circled with any reserved Caution.

THIS being moved (as I hope of your Lordships) as a Protection to all that I shall say, I shall go on, but with a very strange Entrance, as may seem to your Lordships at first ; for in the midst of a State of as great Affliction as I think a mortal Man can endure, (Honour being above Life) I shall begin with the professing of Gladness in some Things.

‘ THE First is, That hereafter the Great-
 ‘ ness of a Judge or Magistrate, shall be no
 ‘ Sanctuary or Protection to him against
 ‘ Guiltiness, which is the beginning of a
 ‘ Golden Work.

‘ T H E next, that after this Example, its
 ‘ like that Judges will fly from any Thing in
 ‘ the Likeness of Corruption (tho’ it were at
 ‘ a great distance) as from a Serpent; which
 ‘ tend to the purging of the Court of Ju-
 ‘ stice, and reducing them to their true Ho-
 ‘ nour and Splendour: And in these Two
 ‘ Points, God is my Witness, tho’ it be my
 ‘ Fortune to be the Anvil upon which those
 ‘ Two Effects are broken and wrought, I
 ‘ shall take no Comfort, but pass from the
 ‘ Motions of my Heart (whereof God is my
 ‘ Judge) to the Merits of my Cause, where-
 ‘ of your Lordships are Judges under God,
 ‘ and his Lieutenant: I do understand there
 ‘ hath been heretofore expected of me some
 ‘ Justification; and therefore I have chosen
 ‘ one only Justification, instead of all others,
 ‘ out of the Justification of *Job*; for after
 ‘ the clear Submission and Confession which
 ‘ I shall now make unto your Lordships, I
 ‘ hope I may say, and justifie, with *Job* in
 ‘ these Words, *I have not hid my sin, as did*
 ‘ *Adam, nor concealed my face in my bosom:*
 ‘ This is the only Justification which I will
 ‘ use.

‘ I T resteth therefore, that with your
 ‘ Leaves I do ingenuously Confess and Ac-
 ‘ knowledge, That having understood the
 ‘ Particulars of the Charge, not formally
 ‘ from the House, but enough to inform any
 ‘ Conscience and Memory: I find Matter
 ‘ sufficient and full, both to move me to de-
 ‘ sert

sert my Defence, and to move your Lordships to condemn and censure me : Neither will I trouble your Lordships by singling these Particulars which I think might fall off ; *Quid te exempta juvat spinis de pluribus Uva* : Neither will I prompt your Lordships to observe upon the Proofs where they come not home, or the Scruple touching the Credit of the Witnesses : Neither shall I represent to your Lordships how far a Defence might in divers Things extenuate the Offence, in respect of the Time and Manner of the Guilt, or the like Circumstances ; but only leave these Things to spring out of your more noble Thoughts and Observations of the Evidence and Examinations themselves, and charitably to wind about the Particulars of the Charge here and there, as God shall put into your Mind, and so submit my self wholly to your Piety and Grace.

AND now I have spoken to your Lordships as Judges, I shall say a few Words unto you as Peers and Prelates, humbly commending my Cause to your noble Minds, and unanimous Affection.

YOUR Lordships are not simply Judges, but Parliamentary Judges ; you have a farther Extent of Arbitrary Power than other Courts : And if you be not tied by ordinary Course of Courts or Precedents in Point of Strictness and Severity, much less in Points of Mercy and Mitigation ; and yet if any Thing which I shall move might be contrary to your honourable and worthy End, (the introducing a Reformation) I should not seek it : But herein I beseech your Lordships to give me Leave to tell you a Story.

B b 3

Titus

‘ *Titus Manlius* took away his Son’s Life for
 ‘ giving Battle against the Prohibition of his
 ‘ General: Not many Years after, the like
 ‘ Severity was pursued by *Papirius Cursor* the
 ‘ Dictator, against *Quintus Maximus*, who,
 ‘ being upon the Point to be sentenced, was,
 ‘ by the Intercession of some particular Per-
 ‘ sons of the Senate, spared: Whereupon *Livy*
 ‘ makes this grave and gracious Observation;
 ‘ *Neque minus firmata est Disciplina militaris*
 ‘ *periculo Quinti Maximi quam miserabili sup-*
 ‘ *plicio Titi Manlii.* The Discipline of War
 ‘ was no less established by the questioning
 ‘ of *Quintus Maximus*, than by the punishing
 ‘ of *Titus Manlius*. And the same Reason is
 ‘ in the Reformation of Justice: For the
 ‘ questioning Men in eminent Places hath
 ‘ the same Terrour, tho’ not the same Ri-
 ‘ gour with the Punishment: But my Cause
 ‘ stays not here; for my humble Desire is,
 ‘ That his Majesty would take the Seal into
 ‘ his Hands, which is a great Downfal, and
 ‘ may serve, I hope, in it self for an Expul-
 ‘ sion of my Faults.

‘ THEREFORE if Mercy and Miti-
 ‘ gation be in your Lordships Power, and
 ‘ not cross your Ends, Why should I not
 ‘ hope your Favour and Commiseration?
 ‘ Your Lordships will be pleased to behold
 ‘ your chief Pattern, the King our Sovereign,
 ‘ a King of incomparable Clemency, and
 ‘ whose Heart is instructable for Wisdom
 ‘ and Goodness; and your Lordships will
 ‘ remember, that there sate not these Hun-
 ‘ dred Years before a Prince in your House,
 ‘ and never such a Prince, whose Presence
 ‘ deserveth to be made memorable by Re-
 ‘ cords and Acts, mixed of Mercy and Ju-
 ‘ stice:

Justice: Your selves are either Nobles, and
Compassion ever breatheth in Veins of noble
Blood, or Reverend Prelates, who are
the Servants of him that would not break
the bruised Reed, or quench the smoking
Flax: You all sit upon a high Stage, and
therefore cannot but be sensible of the
Change of human Conditions, and of the
Fall of any from high Places.

NEITHER will your Lordships forget, that there are *Vitia Temporis*, as well as
Vitia Hominis; and the beginning of Reformation hath the contrary Power of the
Pool of *Bethesda*: For that hath Strength
to cure him only that was first cast in;
and this has Strength to hurt him only
that was first cast in; and for my Part, I
wish it may stay there, and go no farther.

LASTLY, I assure my self, your
Lordships have a noble Feeling of me,
as a Member of your own Body, and one
that in this very Session had some Taste of
your loving Affections, which, I hope,
was not a Lightning before the Death of
them, but rather a Spark of that Grace,
which now in the Conclusion will more
appear; and therefore my humble Suit to
your Lordships is, That my Penitent Submission may be my Sentence, the Loss of
my Seal my Punishment, and that your
Lordships would recommend me to his Majesty's
Grace and Pardon for all that is past.
God's Holy Spirit be among you.

Archbishop Williams's Speech against taking away the Bishops Votes in Parliament, referred to in his Life, Pag. 107.

I SHALL desire as much Time of your Honourable Lordships, as your Lordships can well afford in a Committee, because all I intend to speak in this Business must be to your Lordships only, as resolved, for my own Part, to make no Remonstrance at all to His most Excellent Majesty, for several Reasons; — And therefore, being not like to make any farther Appeal, I humbly desire your Patience to speak for some longer Time than I have accustomed in a Committee; in which Length, notwithstanding I hope to use a great deal of Brevity, some Length in the Whole, and much Shortness in every particular Head, which I mean so to distinguish and beat out, that not only your Lordships, but the Lords, my Brethren, may enlarge themselves upon all the Particulars, which neither my Abilities of Body can perform, nor does my Intention or Purpose aim at, at this Time. I will therefore cast this whole Bill into Six several Heads, wherein I hope to comprehend all that I shall say, or any Man else can materially touch upon in this Bill. The first is, The Rise or Motive of this Bill, which is the Duty of Men in Holy Orders; for the Words are, *Persons in Holy Orders ought not to intermeddle, &c.* and this Duty of Ministers may be taken in this place Two several Ways, either for their Duty in Point of Divinity, or for their Duty in point of Convenience, which

we

we commonly call *Policy*. In regard of either of these Duties, it may be conceiv'd, That Men in Holy Orders ought not to intermeddle in Secular Affairs, &c. and this is the Rise, Motive, and Ground, of this Bill. The Second Point, are the Persons concerned in the Bill, which are, Archbishops, Bishops, Parsons, Vicars, and all others in Holy Orders. The Third Point, contains the Things inhibited from this Time forward to such Persons by this Bill; and they are of several Sorts and Natures: First, Freeholds and Rights of such Persons, as their Suffrages, Votes, and Legislative Power in Parliaments. Secondly, Matters of Princely Favours, as to sit in the Star-Chamber, to be called to the Council-Board, to be Justices of the Peace, &c. Thirdly, Matters of a mix'd and concrete Nature, that seem to be both Freeholds and Favours of former Princes, as the Charters of some of the Bishops, and some of the ancient Cathedrals, are conceived to be: And these are all the Matters and Things inhibited from those Persons in Holy Orders by this Bill. The Fourth Point is, The Manner of this Inhibition, which is of a double Nature: First, of a severe Penalty; and, Secondly, under *Cain's* Mark, an eternal Kind of Disability and Incapacity laid upon them, from enjoying hereafter any of those Freeholds, Rights, Favours, or Charters, of former Princes; and that which is the heaviest Point of all, without killing *Abel*, or any Crime laid to their Charge, more than that in the Beginning of the Bill, it is said roundly, and in the Stile of *Lacedemon*,
demon,

' demon, That they ought not to intermeddle in Se-
 ' cular Affairs. The Fifth Point is, A Salvo
 ' for the Two Universities; but none for the
 ' Bishop of *Durham*, nor for the Bishop of
 ' *Ely*, nor for the Dean of *Westminster* their
 ' next Neighbour, who is establiſhed in his
 ' Government by an eſpecial Act of Parlia-
 ' ment, that of the 27th of *Queen Elizabeth*.
 ' The Sixth and laſt Point is, A Salvo for
 ' Dukes, Marqueſſes, Earls, Viſcounts, Ba-
 ' rons or Peers of this Kingdom, that
 ' either may be, or are ſuch, by Deſcent;
 ' which Clause, I hope in GOD, will not
 ' only prove a Salvo to thoſe Honourable
 ' Perſons; (whereof, if we of the Clergy
 ' were but ſo happy as to have any compe-
 ' tent Number of our Coat,

' *Quot Thebarum Portæ, vel divitis oſtia Nili,*

' This Bill ſurely had periſhed in the Womb,
 ' and had never come to the Birth:) But I
 ' hope that this Clause will prove this Bill a
 ' *felo de ſe*, and a Murtherer of it ſelf; and be-
 ' intended for a Salvo to Noble Miniſters only,
 ' prove a Salvo for all other Miniſters that
 ' be not ſo happy as to be nobly-born: Be-
 ' cauſe the very poor Miniſter, for ought
 ' we find in Scripture or common Reaſon,
 ' is no more tied to ſerve GOD in his Vo-
 ' cation, than theſe *ευγενεις*, and nobly-born
 ' Miniſters are; and therefore I hope thoſe
 ' noble Miniſters will deal ſo nobly, as to
 ' pull their Brethren the poor Miniſters out
 ' of the Thorns and Bryars of this Bill: And
 ' theſe are all the true Heads and Contents
 ' of this Bill; and among theſe Six Heads,
 ' your Lordſhips will be ſure to find me;
 ' and

and I shall expect to find your Lordships in the whole Tract of this Committee. And now, with your Lordships honourable Leave and Patience, I will run them over almost as briefly as I have pointed and prick'd them down.

FOR the First, The Rise and Motive of this Bill, which is, The Duty of Men in Holy Orders, not to intermeddle with Secular Affairs, must either rise from a Point in Divinity, or from a Point of Convenience or Policy; and I hope in GOD it will not appear to your Lordships, That there is any Ground, either of Divinity or Policy, to inhibit Men in Orders so modestly to intermeddle with Secular Affairs, as that the Measure of intermeddling in such Affairs shall not hinder nor obstruct the Duties of their Calling: They ought not so to intermeddle in Secular Affairs, as to neglect their Ministry. No more ought Laymen neither; for they have a Calling and Vocation, wherein they are to walk, as Ministers have: They have Wife and Children, and Families, to take Care for; and they are not to neglect these to live upon Warrants and Recognizances, to become a kind of Sir Francis Mitchell, or a Justice Nimis, as Solomon calls it, Eccles. 7. 16. That Place, 2. Tim. 2. 4. *No Man that wars, entangles himself with the Affairs of this Life,* will be found to be applied by all good Interpreters to Laymen, as well as Church-men; and, under Favour, nothing at all to this Purpose: Besides that, the Word *Σεμπλη-
κεται* doth point at a Man that is so wholly taken up with the Affairs of this Life, that he utterly neglects the Offices and Duties
of

' of a Christian Man ; and so I leave that
 ' Place as incapable of any other Expo-
 ' sition, nor ever otherwise interpreted, but
 ' by Popes, Legates, and Canonists, that
 ' make a Nose of Wax of every Place of
 ' Scripture they touch upon. But that Men
 ' in Holy Orders ought not, in a moderate
 ' Manner, together with the Duties of their
 ' Calling, to help and assist in the Govern-
 ' ment of the Commonwealth, if they be
 ' thereunto lawfully called by the Sovereign
 ' Prince, can never be proved by any good
 ' Divinity : For in the Law of Nature, be-
 ' fore the Deluge, and a long Time after,
 ' it is a Point that no Man will deny me,
 ' That the Eldest of the Family was both
 ' the Priest and the Magistrate. *Then the*
 ' *People were taken out of Ægypt by Moses and*
 ' *Aaron among his Priests*, as it is in the Psalm.
 ' Then there was a Form of a Common-
 ' wealth fetch'd from Heaven indeed, and
 ' planted upon the Earth, and Judiciary
 ' Laws dictated for the regulating of the
 ' same. Nor do I much care, though some
 ' Men say, That Persons in Holy Orders
 ' ought not to meddle in Secular Affairs,
 ' when that Great God of Heaven and Earth
 ' doth appoint them to intermeddle with all
 ' the Principal Affairs of that Estate ; wit-
 ' ness the Exorbitant Power of the High-
 ' Priests in Secular Matters, the *Sanhedrim*,
 ' the Twenty three, the Judges of the Gate,
 ' which were most of them Priests and Le-
 ' vites : And the Churchmen of that Estate
 ' were not all Butchers and Slaughter-men ;
 ' for they had their Tabernacles, their Syna-
 ' gogues, their Prayers, Preaching, and
 ' other Exercises of Piety. In a Word, we
 ' have

have *Divinius*, they had *Operosius Ministerium*, as *St. Austin* speaketh. Our Ministry takes up more of our Thoughts, but theirs took up more of their Labour and Industry. Nor is it any Matter that this Commonwealth is no more in Being: It sufficeth it hath been once, and that planted by God himself, who would never have appointed a Person in Holy Orders to intermeddle with Things they ought not to intermeddle withal. I will go on with my Chronology of Persons in Holy Orders, and only put you in mind of *Ely* and *Samuel* among the Judges, of *Sadock's* Employment under King *David*, of *Jehoiada's* under his Nephew King *Joash*; and would fain know what Hurt these Men in Holy Orders did, by intermeddling in Secular Affairs of that Time. Now we are returned from the Captivity of *Babylon*, I desire you to look upon the whole Race of the *Maccabees*, even to *Antigonus*, the last of them all, taken Prisoner by *Pompey*, and crucified afterwards by *Mark Anthony*; and shew me any of those Princes (a Woman or two excepted) that was not a Priest and a Magistrate. We are now come to Christ's Time, when methinks, I hear *St. Paul*, *Acts* 23. 5. excuse himself for reviling the High-Priest: *I wish not, Brethren, that he was the High-Priest; for it is written, Thou shalt not speak Evil of the Ruler of thy People*; where observe, That the Word *Ruler* in the Greek is *Ἀρχοντα*, the very same Word that is used by *St. Paul*, *Rom.* 13. 2. where this Word *Ἀρχοντες* is translated by *Beza*, *Magistratus*: Then you must be pleased to imagine the Church asleep, or almost dead under

' der Persecution, for almost 300 Years, till the
 ' happy Day of the Emperor *Constantine*; and
 ' not expect to find many Magistrates among
 ' the Christians: Yet you shall find *St. Paul*,
 ' 1 *Cor.* 6. 5. offend against this Bill, and in-
 ' termeddle with Secular Affairs, by inhi-
 ' biting the *Corinthians* very sharply for their
 ' Chicanery, Petty-Foggery, and Common
 ' Barretry, in going to Law one with ano-
 ' ther: Besides that, as all learned Men
 ' agree, both the Apostles, and Apostolical
 ' Men that liv'd presently after them, had a
 ' miraculous Power of punishing exorbitant
 ' Crimes, which supplied the Power of the
 ' ordinary Magistrate; as appears in *Ananias*
 ' and *Saphira*, the incestuous *Corinthian*, and
 ' many others. But then, from *Constantine's*
 ' Age till the Reformation begun by *Luther*,
 ' Churchmen were so usually employed in
 ' managing of Secular Affairs, that I shall
 ' confess ingenuously it was too much, there
 ' lying an Appeal from the Courts of the
 ' Empire to the Bishop's Judicatory; as you
 ' shall find it every where in the Code of
 ' *Justinian*: So it was under *Carolus Magnus*,
 ' and all the *Carolo-vinian* Race of the Kings
 ' of *France*. So, and somewhat more, it was
 ' with us in the *Saxon* Heptarchy, the Bi-
 ' shop and Sheriff sitting together Cheek by
 ' Jowl in their Turns and Courts. But these
 ' exorbitant and vast Employments in Secu-
 ' lar Affairs I stand not up to defend, and
 ' therefore I will hasten to the Reformation;
 ' where *Mr. Calvin*, in his Fourth Book of
 ' his Institutions, and Eleventh Distinction,
 ' doth confess, That the Holy Men hereto-
 ' fore did refer their Controversies to the Bi-
 ' shop, to avoid Troubles in Law: You

*
* *

' shall

shall find, That from *Luther* to this Day,
in all the Flux of Time, in all Nations,
in all Manner of Reformations, Persons in
Holy Orders were thought fit to inter-
meddle in Secular Affairs. *Brentius* was a
Privy Councillor to his Duke and Prince;
Functius was a Privy Councillor to the Duke
of *Borussia*, as it is but too notoriously
known to those that are versed in Histories;
Calvin and *Beza*, while they lived, carried
all the Council of the State of *Geneva* un-
der their Gowns. *Bancroft* in his Survey,
Chap. 26. observes, That they were of the
Council of State there, which consists of
Threescore. And I have known my self,
Abraham Scultetus a Privy Councillor to the
Prince *Palatine*; the Reverend Monsieur
Du Moulin for many Years together a Coun-
cellor to the Princess of *Sedan*; his Bro-
ther-in-law, Monsieur *Rivet*, a great lear-
ned Person, now in *England*, of the Privy
Council of the Prince of *Orange*. You all
hear, (and I know much Good by his for-
mer Writings) of a Learned Man called
Mr. *Henderson*; and most of your Lordships
know better than I, what Employment he
hath at this Time in this Kingdom. And,
truly, I do believe, That there is no Re-
formed Church in the World, settled and
constituted by the State, wherein it is held
for a Point of Divinity, That Persons in
Holy Orders ought not to intermeddle in
Secular Affairs; which is all I shall say of
this Duty of Ministers in Point of Divi-
nity. Now I come to the Second Duty of
Men in Holy Orders in Point of Conve-
niency or Policy, and am clearly of Opi-
nion, That even in this Regard and Refle-
ction,

' cation, they ought not to be debarr'd from
 ' modestly intermedling in Secular Affairs;
 ' For if there be any such Inconvenience, it
 ' must needs arise from this, That to exercise
 ' some Secular Jurisdiction must be Evil in it
 ' self, or Evil to a Person in Holy Orders,
 ' which is neither so nor so; for the whole
 ' Office of a Subordinate Civil Magistrate is
 ' most exactly described in *Rom. 13. 3, 4.*
 ' and no Man can add or detract from the
 ' same. The Civil Power is a Divine Ordi-
 ' nance, set up to be a Terror to the Evil,
 ' and an Encouragement to good Works.
 ' This is the whole Compass of the Civil
 ' Power, and therefore I do here demand,
 ' with the most Learned Bishop *Darvenant*,
 ' that within a few Days did sit by my Side,
 ' in the Eleventh Question of his Determi-
 ' nations, What is there of Impiety? What
 ' is there of Unlawfulness? What unbecom-
 ' ing either the Holiness or Calling of a
 ' Priest, in terrifying the bad, or comforting
 ' the good Subject; in repressing of Sin, or
 ' punishing of Sinners? For this is the
 ' whole and entire Act of Civil Jurisdiction.
 ' It is in its own Nature repugnant to
 ' no Person, to no Function, to no Sort
 ' or Condition of Men, let them hold
 ' themselves never so Holy, never so Se-
 ' raphical, it becomes them very well to
 ' repress Sin, and punish Sinners; that is to
 ' say in a moderate manner, to exercise Ci-
 ' vil Jurisdiction, if the Sovereign shall re-
 ' quire it: And you shall find, That this
 ' Doctrine of Debarring Persons in Holy
 ' Orders from Secular Employments, is no
 ' Doctrine of the Reformed, but the *Popish*
 ' Church, and first brought into this King-
 ' dom

dom by the Pope of Rome, and Lambeth, Lanfrank, Anselm, Stephen Langton, and the rest, together with Otho and Ottobon; and to this only End, That the Man of Rome might withdraw the Clergy of this Kingdom from their Obligation to the King and Nobility, who were most of them great Princes in those Times, and might thereby establish and create (as in great part he did) *Regnum in Regno*, a Kingdom of Savelings in the midst of this Kingdom of England. And hence came those Canons of mighty Consequence, able to shoot a Priest at one Shot into Heaven, as that he must not meddle with Matters of Blood, that he must not exercise Civil Jurisdiction, that he must not be a Steward to a Nobleman in his House, and all the rest of this Palea and Garbage: That is, in Plain English, The Priest must no longer receive Obligation either from King or Lords, but wholly depend upon his Holy Fathers, the Pope of Rome, and the Pope of Lambeth, or at leastwise pay him soundly for their Dispensations and Absolutions when they presumed to do the contrary. In the meantime, here is not one Word or shew of Reason, to inform an understanding Man, That Persons in Holy Orders ought not to terrifie the Bad, and comfort the Good, to repress Sin and chastise Sinners, which is the *Summa Totalis* of the Civil Magistracy, and consequently so far forth, at least, to intermeddle with Secular Affairs. And this is all I shall say touching the Motive and Ground of this Bill; and that Persons in Holy Orders ought not to be inhibited from intermedling in Secular Affairs, either

in Point of Divinity, or in Points of Con-
veniency or Policy.

THE Second Point consists of Persons
reflected upon in this Bill ; which are Arch-
bishops, Bishops, Parsons, Vicars, and all
others in Holy Orders, of which Point I
shall say little ; only finding these Names
huddled up in a Heap, made me conceive
at first, That it might have some Relation
to Mr. *Bagshaw's* Reading in the *Middle-
Temple*, which I ever esteemed to have been
very inoffensively delivered by that learned
Gentleman, and with little Discretion
questioned by a great Ecclesiastick then in
Place ; for all that he said was this, That
when the Temporal Lords are more in Voice,
they may pass a Bill without the Consent of the
Bishoppe ; which is an Assertion so clear in
Reason, and so often practised upon the
Records and Rolls of Parliament, that no
Man, any way versed in either of these,
can make any Doubt of it : Neither do I,
tho' I humbly conceive no President will
be ever found, that the Prelates were ever
excluded, otherwise than by their own
Folly, Fear, or Hardiness. For the Point
of being Justices of the Peace ; the Gen-
tleman confesseth, He never meddled with
Archbishops, Bishops, nor with any Clergy-
man made a Justice by his Majesty's Com-
mission. In the Statute made the 34 *Ed. III.*
cap. 1. he finds Assignees for the keeping
of the Peace, one Lord, three or four of
the most valiant Men of the Country ; the
troublesome Times did then so require it.
And if God do not bless us with the rid-
dance of these Two Armies, the like Pro-
vision will be now as necessary. He finds
these

these Men included, but he doth not find Churchmen excluded ; no, nor in the Statute of 13 *Rich. II. cap. 7.* that requires Justices of the Peace to be made Knights, Esquires, and Gentlemen of the Law, of the most sufficient of each County. In which Words, the Gentleman thinks Clerks were not included ; and I clearly say, by his Favour, they are not excluded ; nor do the learned Sages of the Law conceive them excluded by that Statute. I say, the King shall Command the Lord Keeper to fill the Commission of each County with the most sufficient Knights, Esquires, and the Gentlemen of the Law ; Shall the Lord Keeper thereupon exclude the Noblemen and the Prelates ? I have often in my Days received these Commands, but never heard of this Interpretation before this Time ; so that I cannot conceive from what Ground, this general Sweepstake of Archbishops, Bishops, Parsons, Vicars, and all others in Holy Orders, should proceed: I have heard since the beginning of my Sickness, that it has been alledged in this House, That the Clergy, in the 6 *Edw. III.* did disavow that the Custody of the Peace did belong to them at all ; and I believe such a Thing is to be found among the Notes of the Privileges of this House : But first you must remember, That it was in a great Storm, and when the Waters were much Troubled, and the wild People unapt to be kept in Order by Mitre and Crozier Staves. But yet, if that noble Lord shall be pleased to cast his Eye upon the Roll itself, he shall find, That this poor Excuse did not serve the Prelates Turn ; for they

‘ were compelled with a Witness to defend
 ‘ the Preservation of the Peace of the King-
 ‘ dom for their Part, as well as the Noble-
 ‘ men and Gentry : And you shall find the
 ‘ Ordinance to this effect, set down upon
 ‘ that Roll. I conclude therefore, with that
 ‘ noble Lord’s Favour, That the Sweeping
 ‘ of all the Clergy out of Temporal Offices,
 ‘ is a Motion of the first Impression, and was
 ‘ never heard in the *English* Commonwealth
 ‘ before this Bill.

‘ I COME in the Third Place to the
 ‘ main part of this Cause ; the Things to be
 ‘ severed from all Men in Holy Orders,
 ‘ which are, as I told you, of Three Kinds :
 ‘ viz. I. Matters of Freehold ; as the Bi-
 ‘ shop’s Votes in Parliament, and the Legi-
 ‘ slative Power : II. Matters of Favour, to
 ‘ be a Judge in the Star-Chamber, to be a
 ‘ Privy-Councillor, to be a Justice of Peace,
 ‘ or a Commissioner in any Temporal Af-
 ‘ fairs : III. Mixt Matters of Freehold and
 ‘ Favour too ; as the Charters of some Bi-
 ‘ shops, and many of the ancient Cathedrals
 ‘ of this Kingdom, who allow them a Ju-
 ‘ stice or Two within themselves, or their
 ‘ Close, as they call it, and exempt those
 ‘ grave and learned Men from the Rudeness
 ‘ and Insolency of Tapsters, Brewers, Inn-
 ‘ keepers, Taylors and Shoemakers, who do
 ‘ integrate and make up the Bodies of our
 ‘ Country Cities and Corporations. And
 ‘ now is the Axe laid to the very Root of
 ‘ the Ecclesiastical Tree, and without your
 ‘ Lordship’s Justice and Favour, all the Bran-
 ‘ ches are to be lop’d off quite with these
 ‘ latter Clauses ; and the Stock and Root it
 ‘ self to be grubb’d and dry’d up by that
 ‘ first

first Point of abolishing all Votes and Legislative Power in all Clergymen, leaving them no more to be any Part of the People of *Rome*, but meer Slaves and Bondmen to all Intents and Purposes; and the Priest in *England* one Degree inferiour to the Priests of *Jeroboam*, being to be accounted worse than the Tail of the People. Now, I hope, no *Englishman* will doubt, but this Vote and Representation in Parliament is not only a Freehold, but the greatest Freehold that any Subject in *England*, or in all the Christian World, can brag of at this Day, That we live under a King, and are to be governed by his Laws; that is, not by his Arbitrary Edicts or Rescripts; but by such Laws confirmed by him, and assented to by us, either in our proper Persons, or in our Assignees and Representatives. This is the very Soul and Genius of our *Magna Charta*, and without this one Spirit, that great Statue, is little less than *Littera occidens*, a dead and useless Piece of Paper. You heard it most truly opened unto you by a wise and judicious Peer of this House, That *Legem patere quam ipse tuleris*, was a Motto, wherein *Alexander Severus* had no more Interest than every true-born *Englishman*. No Forty Shillings Man in *England*, but does in Person or Representation enjoy his Freedom and Liberty: The Prelates of this Kingdom, as a Looking-Glass and Representation of the Clergy, a Third Estate, if we may speak either with Sir *Edw. Coke*, or antient Acts of Parliament, have been in Possession of, these Thousand Years and upwards. The Princes of the *Norman* Race indeed,

' for their own Ends, and to strengthen
 ' themselves with Men and Money, erected
 ' the Bishopricks soon after into Baronies,
 ' and left them to sit in the House, with
 ' their double Capacities about them; the lat-
 ' ter invented for the Profit of the Prince,
 ' not excluding the former, remaining al-
 ' ways from the beginning for the Profit
 ' and Concernment of the Poor Clergy, and
 ' the Estate Ecclesiastical, which appears not
 ' only by the *Saxon* Laws, set forth by
 ' Mr. *Lambert* and Sir *Henry Spelman*, but al-
 ' so by the Bishops Writs and Summons to
 ' Parliament, in use to this very Day. We
 ' have many Precedents upon the Rolls, That
 ' in Vacancies of Episcopal Sees, the Guar-
 ' dian of the Spirituals, tho' but a simple
 ' Priest, has been called to sit in this ho-
 ' nourable House, by reason of the former
 ' Representation; and such an Officer I was
 ' my self over that See, whereof I am Bishop,
 ' some 25 Years ago; and might then
 ' have been summoned to this honourable
 ' House at that very time, by reason of
 ' keeping the Spirituality of that Diocess,
 ' which then, as a simple Priest, I did, by
 ' Virtue of the aforesaid Office, represent.
 ' And therefore, most noble Lords, look up-
 ' on the Ark of God's Representative, that
 ' at this time floats in great Danger in this
 ' Deluge of Waters. If there be any clean
 ' or unclean Creature therein, out with him,
 ' and let every Man bear his own Burthen;
 ' but save the Ark for God and Christ Jesus's
 ' sake, who has built it in this Kingdom
 ' for Saving of the People. And your Lord-
 ' ships are too wise to conceive, That the
 ' Words and Sacraments, the Means of our
 ' Sal-

‘ Salvation, will be ever effectually received
‘ from those Ministers, whose Persons shall
‘ be so vilified and dejected, as to be made
‘ no Parcels nor Fragments of this Common-
‘ wealth. No, saith Gregory; *The last Trick*
‘ *the Devil had in this World, was this;*
‘ *That when he could not bring the Word and Sa-*
‘ *craments into Disgrace, by Errors and Heretical*
‘ *Opinions, he invented this (and much ap-*
‘ *plauded his Wit therein) to cast Slight and*
‘ *Contempt upon the Preachers and Ministers.*
‘ And, my noble Lords, you are too wise
‘ to believe what the Common People talk,
‘ That we have a Vote in the Election of
‘ Knights and Burgeffes, and consequently
‘ some Figure and Representation in the no-
‘ ble House of Commons. They of the Mi-
‘ nistry have no Vote in these Elections,
‘ they have no Representation in that Ho-
‘ nourable House, and the contrary Assertions
‘ are Slight and Groundless, as I will not
‘ offer to give them any Answer. And
‘ therefore, Right Honourable Lords, have
‘ a special Care of the Church of *England*,
‘ your Mother, in this Point. As GOD has
‘ made you the most Noble of all the Peers
‘ of the Christian World, so do not you
‘ give way that our Nobility shall be taught
‘ henceforth, as the *Romans* were in the
‘ Times of the First and Second *Punick* Wars,
‘ by their Slaves and Bond-Men only; and
‘ that the Church of God in this Island may
‘ come to be served by the most ignoble Mi-
‘ nisters that have ever been seen in the
‘ Christian Church since the Passion of our
‘ Saviour. And so much for the first Thing
‘ which this Bill intends to sever from Per-
‘ sons in Holy Orders, *viz.* Votes and Re-
‘ presentation

' presentations in Parliament. The next
 ' Thing to be severed from them by this Bill,
 ' is a meaner Metal and Alloy, Sitting in
 ' the Star-Chamber, Sitting at Council-Table,
 ' Sitting in the Commissions of Peace, and
 ' other Commissions of Secular Affairs; which
 ' are such Favours and Graces of Christian
 ' Princes, as the Church may have a Being
 ' and Subsistence without them. The For-
 ' tunes of our *Greece*, do not depend upon
 ' these Spangles; and the Sovereign Prince
 ' has imparted and withdrawn those kind of
 ' Favours without the Envy or Regret of any
 ' wise Ecclesiastical Persons. But, my noble
 ' Lords, this is the Case; The King has by
 ' the Statute restored unto him the Headship
 ' of the Church of *England*, and by the Word
 ' of God, he is *Custos utriusque Tabulae*: And
 ' will your Lordships allow this Ecclesiasti-
 ' cal Head no Ecclesiastical Senses at all;
 ' no Ecclesiastical Person to be consulted
 ' withal, not in any Circumstance of Time
 ' and Place. If *Cranmer* had been thus dealt
 ' withal in the Minority of our young *Josias*,
 ' King *Edward VI.* of pious Memory, What
 ' had become of the great Work of Refor-
 ' mation in this flourishing Church of *Eng-*
 ' *land*? But I know before whom I speak.
 ' I do not mean to dine your Lordships with
 ' Coleworts, the harsh Consequents of this
 ' Point your Lordships do understand as well
 ' as I. The last Robe that some Persons in
 ' Holy Orders are to be strip'd of, has a kind
 ' of Mixture of Freehold and Favour of the
 ' proper Right and Graces of the King,
 ' which are certain old Charters that some
 ' few Bishops, and many Antient and Cathe-
 ' dral Churches, have purchased and procured
 ' from

from the ancient Kings, before and since the Conquest, to enable them to live quiet in their own Precincts and Close, (as they call it) under a Justice or two of their own Body, without being abandoned upon every slight Occasion to the Injuries and Vexations of Mechanical Tradesmen, of which your Lordships best know these Country Corporations do most consist. Now whether these few Charters have their Foundation by Favour or by Right; I should conceive, under your Lordship's Favour, it is neither Favour, nor Right, to take them away without some just Crime objected and proved: For if they be abused in any Particular, Mr. Attorney General can find an ordinary Remedy to repair the same, by a Writ of *Ad quod damnum*, without troubling the Two Houses of Parliament; and this is all I shall speak to this Point.

AND now I come to the Fourth Part of this Bill, which is, The Manner of Inhibition, heavy every way, heavy in the Penalty, heavier a great deal in the Incapacity. For the weighing of the Penalty, will you consider, I beseech you, the small Wires, that is, poor Causes that are to induce the same, and then the heavy Lead that hangs by these Wires; it is thus: If a Natural Subject of *England*, interested in the *Magna Charta*, and Petition of Right, as well as any other; yet, being a Person in Holy Orders, shall happen unfortunately to vote in Parliament, to obey his Prince by way of Council, or by way of a Commissioner be required thereunto, then he is presently to lose and forfeit, for his First Offence,

' Offence, all his Means and Livelihood for
 ' one Year; and for the Second, to forfeit his
 ' Freehold in that kind for ever and ever;
 ' and I do not believe that your Lordships ever
 ' saw such an heavy Weight of Censure hang
 ' upon such small Wires of Reason in an Act
 ' of Parliament made heretofore. This,
 ' peradventure, may move others most, but
 ' it does not me; it is not the Penalty, but
 ' Incapacity, and as the Philosopher would
 ' call it, the Natural Impotency imposed by
 ' this Bill on Men in Holy Orders to serve
 ' the King or the State in this Kind, be they
 ' never so able, never so willing, never so
 ' virtuous; which makes me draw a kind of
 ' *Timanthes* Veil over this Point, and leave it
 ' without any Amplification at all unto your
 ' Lordships wise and inward Thoughts and
 ' Considerations.

' THE fifth Point, is the Salvo made for the
 ' two Universities, to have Justices of the
 ' Peace among them of their own Heads of
 ' Houses, which, I confess, to be done upon
 ' mature and just Consideration; for other-
 ' wise, the Scholars must have gone for Justice
 ' to those Parties to whom they send for
 ' Mustard and Vinegar: But yet, under Fa-
 ' vour, the Reasons and Inducements cannot
 ' be stronger than may be found out for o-
 ' ther Ecclesiastical Persons; as the Bishop of
 ' *Durham*, who was, ever since the Days of King
 ' *John*, suffer'd, by the Princes and Parliaments
 ' of *England*, to exercise Justice upon the
 ' Parties in those Parts, as being in truth the
 ' King's Subjects, but the Bishop's Tenants;
 ' and therefore not likely to have their Cau-
 ' ses more duly weighed, than when the Bal-
 ' lance is left in the Hand of their own pro-
 ' per

per Landlord. The Case of the Bishop of Ely, for some Parts of that Isle, is not much different. But if a little Partiality does not herein cast some little Mist before my Eyes, the Case of the Dean and City of *Westminster*, wherein this Parliament is now, is far more considerable, both in the Antiquity, Extent of Jurisdiction, and the Warrants whereupon it is grounded, than any one of those Places before mentioned: For there is a clear Statute, made 27 *Eliz.* for the drawing all *Westminster*, *St. Clement*, and *St. Martin's le Grand*, *London*, into a Corporation, to be ruled by a Dean, a Steward, twelve Burgeses, and twelve Assistants; and if some Salve or Plaister shall not be applied to *Westminster* in this Point, all that Corporation is at an End; but this I perceive since is taken into Consideration by the Honourable House of Commons, themselves. ——— I come now to the last Point, and the second Salvo in this Bill, which is for Dukes, Marquesses, Earls, Viscounts, Barons or Peers of this Kingdom, which is a Clause that looks with a kind of contrary Glance upon Persons in Holy Orders; it seems to favour some, but so, that thereby, and in that very Act, it casts an Aspersions of Baseness and Ignominy upon all the rest of that Holy Profession: For if no Persons in Holy Orders ought to intermeddle in Secular Affairs, how come those Nobles to be excepted out of the universal Negative? Is it because they are Nobly born? Then sure it must be granted that the rest must be excluded, as being made of a worser and a rougher Piece of Clay. For the second Part of this Reason,

in

' in the Beginning of this Bill, can never bear
 ' out this Salvo, that the Office of the Mini-
 ' stry is of so great Importance, that it will
 ' take up the whole Man, and all his best En-
 ' deavours; surely the Office of the Ministry
 ' is of no greater Importance in a poor Man,
 ' than a Nobleman, nor doth it take up the
 ' whole Man in the one, and but a piece of
 ' him in the other. I cannot give you many
 ' Instances herein out of Scripture, because
 ' you know that in those Days *not ma-*
 ' *ny mighty, not many noble were called,*
 ' 1. Cor. i. 26. But when any Noble were cal-
 ' led, I do not find but that they did put
 ' more of the whole Man and their best En-
 ' deavours upon the Ministry than other Men
 ' in Holy Orders are, at the least in Holy
 ' Scripture, noted to have done. I put your
 ' Lordships in mind of those Noblemen at
 ' Berea compared with those of *Thessalonica,*
 ' *Acts 17. 11.* So that this Salvo for the Nobi-
 ' lity must be (under your Lordships Favour)
 ' a secret Wound unto the rest of the Mini-
 ' stry, unless your Lordships, by your great
 ' Wisdom, will be willing to change it into
 ' a Panacea or common Plaister, both to the
 ' one and to the other; and (under your
 ' Lordships Favour) I conceive it may be
 ' done under a very forcing Argument.
 ' The Office of the Ministry is of equal Im-
 ' portance, and takes up the whole Man, and
 ' all his best Endeavours, in the Noble-born,
 ' as well as the Mean-born Bishop; but it is
 ' lawful, all this notwithstanding, for the
 ' Noble-born Minister to intermeddle in Se-
 ' cular Affairs, and therefore it is likewise
 ' lawful for the Mean-born so to do; and so
 ' in my Conscience (I speak it in the Pre-
 ' sence

‘ sence of God and great Noblemen) it is
‘ most lawful for them to intermeddle in Se-
‘ cular Affairs, so as they be not entan-
‘ gled (as the Apostle calls it) with this Inter-
‘ medling, as to slight and neglect the
‘ Office of their Calling; which no Minister,
‘ Noble or Ignoble, can do without grie-
‘ vously sinning against God, and his own
‘ Conscience. It is lawful for Persons in
‘ Holy Orders to intermeddle: It is without
‘ Question; or else they could not make pro-
‘ vision of Meat and Drink, as *Beza* inter-
‘ prets the Place, it is not lawful for them
‘ to be thus entangled and bound up with Se-
‘ cular Affairs: Which I humbly beseech
‘ your Lordships to consider, not as a Distin-
‘ ction invented by me, but clearly express’d
‘ by the Apostle himself.

‘ And thus, my Noble Lords, I shall with-
‘ out any further Molestation, and with
‘ humble Thanks for this great Patience,
‘ leave this great Cause of the Church to
‘ your Lordships wise and gracious Considera-
‘ tion. Here is my *Mars Hill*, and farther I
‘ shall never appeal for Justice; some Assu-
‘ rance I have from the late solemn Vow and
‘ Protestation of both Houses for the main-
‘ taining and defending the Power and Pri-
‘ vileges of Parliament, that if this Bill
‘ were now to be framed in the one House,
‘ it would never be offered without much
‘ Qualification, and, I perswade my self, it
‘ will not be approved in the other. Parlia-
‘ ments are indeed Omnipotent, but no more
‘ Omnipotent than God himself, who, for
‘ all that, cannot do every thing: God
‘ cannot but perform what he hath promised:
‘ A Parliament, under Favour, cannot un-
‘ swear

' swear what it hath already vowed : This is
 ' an old Maxim which I have of the Sages of
 ' the Law; A Parliament cannot be *Felo de se*,
 ' it cannot destroy or undo it self : An Act of
 ' Parliament (as that in the Eleventh, and
 ' another in the One and Twentieth, of *Richard*
 ' the second) made to be unrepealable
 ' in any subsequent Parliament, was, *ipso*
 ' *facto*, void in the Constitution ; Why ? be-
 ' cause it took away the Power and Privi-
 ' leges ; that is, not the Plumes and Fea-
 ' thers, the remote Accidents, but the very
 ' specifical Form, Essence, and Being of a
 ' Parliament : So if an Act should be made to
 ' take away the Votes of all the Commons,
 ' or all the Lords, it were absolutely a void
 ' Act. I will conclude with the First Epistle
 ' to the *Corinthians*, Chap. 12. Ver. 15. *If the*
 ' *Foot shall say, because I am not the Hand, I am*
 ' *not of the Body ; is it therefore not of the Body ?*
 ' Ver. 20. *But now are they many Members, yet*
 ' *but one Body.* Ver. 21. *And the Eye cannot say*
 ' *unto the Hand, I have no need of thee ; nor again,*
 ' *the Head to the Feet, I have no need of you.*

T H E Lord *Finch*'s Speech in the House of
 Commons, the 21st of December 1641, he
 being then Lord Keeper, and referr'd to in
 his Life.

Mr Speaker,

' I D O first present my most humble
 ' Thanks to this Honourable Assembly,
 ' for this Favour vouchsafed me, in granting
 ' me Admittance to their Presence ; and do
 ' humbly beseech them to believe, it is no de-
 ' sire to preserve my self, or my Fortune,
 ' but to deserve the good Opinion of those
 ' that

‘ that have drawn me hither. I do profess,
‘ in the Presence of him that knoweth all
‘ Hearts, I had rather go from Door to
‘ Door, and crave *Da obolum Bellizario*, with
‘ the Good Will of this Assembly, then en-
‘ joy all the Honours and Fortunes I am ca-
‘ pable of.

‘ I DO not come hither with an In-
‘ tention to justify my Words, my Actions
‘ or Opinions, but to make a plain and clear
‘ Narration of my self, and then humbly
‘ to submit to the Wisdom and Justice
‘ of this House, my self, and all that con-
‘ cerns me.

‘ BUT this House will not take Words,
‘ but with clear and ingenuous Dealing.

‘ AND therefore I shall beseech them
‘ to think, that I come not hither with a set
‘ or studied Speech; I come to speak my
‘ Heart, and to speak it clearly and plainly,
‘ and then to leave it to your Clemency and
‘ Justice: And, I hope, if any thing shall slip
‘ from me (to work contrary to my Mea-
‘ ning and Intention, disorderly or ill pla-
‘ ced) you will be pleased to make a favou-
‘ rable Construction, and leave me the Li-
‘ berty of Explanation, (if there shall be a-
‘ ny) but I hope there shall be no Cause for
‘ it.

‘ I HOPE, for my Affection in Religi-
‘ on, no Man doubteth me: What my Edu-
‘ cation was, and under whom I lived for
‘ many Years, is well known; I lived near
‘ Thirty Years in the Society of *Grays-Inn*;
‘ and if one (that was a Reverend Preacher
‘ there in my Time, Doctor *Sibbs*) were now
‘ living, he were able to give Testimony to
‘ this House, That when a Party ill affected
‘ in

' in Religion sought to tire and weary him
 ' out, he had his chiefest Encouragement
 ' and Help from me. I have, Mr. Speaker,
 ' been now 15 Years of the King's Council;
 ' from the First Hour to this Minute, no
 ' Man is able to say, that ever I was the Au-
 ' thor, Deviser, or Consenter to any Project.

' I T pleased the King, my Gracious
 ' Master, after I had served him divers Years,
 ' to prefer me to Two Places; first to be
 ' Chief Justice of the Common-Pleas, and
 ' then Lord Keeper of his Great Seal: I say
 ' it in the Presence of God, I was so far
 ' from the Thought of the one, and the
 ' Ambition of the other, that if my Master,
 ' the King, his Grace and Goodness had
 ' not been, I had never enjoyed those Ho-
 ' nours.

' I N all that Time, I may speak it with
 ' Confidence, these Hands never touched
 ' Bribe or Reward, these Eyes were never
 ' blinded with Guilt, I took heed to these
 ' Affections common to Man, which are apt-
 ' est to mislead a Judge, Friendship and
 ' Hatred, neither in the one nor the other
 ' have I adhered to.

' T H O S E that know me, know me
 ' far from a vindicative Nature.

' I C A N N O T know, Mr Speaker,
 ' what Particulars there are by which you
 ' have an ill Opinion of me, and therefore I
 ' shall come very weakly armed; Yet to these,
 ' that either in my own Knowledge, or such
 ' Knowledge as is given me, and not from
 ' any of this House, I shall speak somewhat,
 ' that, I hope, being Truth, and accompa-
 ' nied with Clearness and Ingenuity, will at
 ' the last produce some Allay in that ill Opi-
 ' nion

‘ nion which may, perhaps, be conceived of
‘ me.

‘ Mr. S P E A K E R, I had once the
‘ Honour to sit in that Place; from the first
‘ time I came hither, to the unfortunate
‘ Hour I went out, I do appeal to all that
‘ were then, if I served not you with Can-
‘ dor.

‘ I L L Office I never did to either of
‘ the Houses, but did ever with the Good of
‘ both.

‘ F O R that last unhappy Day, I had
‘ my Share of Grief in it; and I hope there
‘ are some do remember, no Man within the
‘ Walls of this House did express more Simp-
‘ toms of Sorrow than I did.

‘ A F T E R an Adjournment for two or
‘ three Days, it pleased his Majesty to send
‘ for me, to let me know, he could not so
‘ resolve of Things as he desired, and there-
‘ fore was desirous there might be an Adjourn-
‘ ment for some few Days more.

‘ I P R O T E S T, I did not then
‘ discern in his Majesty, and I believe it
‘ was not in his Thoughts, to think of the
‘ dissolving of the Parliament; but was plea-
‘ sed to command me to deliver his Pleasure
‘ to the House for an Adjournment for some
‘ few Days, and forthwith, upon the Delive-
‘ ry of the Message, to come and wait upon
‘ him.

‘ H E likewise commanded me, if Questions
‘ were offered to be put, upon my Allegiance
‘ I should not dare to do it.

‘ H O W much then did I in all humble-
‘ ness reason with his Majesty, is not for me
‘ here to speak: Only thus much let me
‘ say:

‘ I W A S no Author of any Council
 ‘ in it, I was only the Person in receiving Com-
 ‘ mission.

‘ I S P E A K not this, as any thing I
 ‘ now produce, or do invent, or take up for
 ‘ mine own Excuse, but what is known to di-
 ‘ vers, and some Honourable Persons in this
 ‘ House, to be most true.

‘ A L L that I will say for that, is hum-
 ‘ bly to beseech you all to consider, that if
 ‘ it had been any Man’s Cause, as it was mine,
 ‘ between the Displeasure of a Gracious
 ‘ King, and the ill Opinion of an Honoura-
 ‘ ble Assembly :

‘ I B E S E E C H you lay all together ;
 ‘ lay my first Actions and Behaviour with
 ‘ the last, I shall submit with your Honoura-
 ‘ ble and Favourable Constructions.

‘ F O R the Shipping Business, my Opi-
 ‘ nion in that Cause hath lain heavy upon
 ‘ me ; and I shall clearly and truly present
 ‘ unto you what every Thing is, with this
 ‘ Protestation (that if, in reckoning up my
 ‘ own Opinion what I was of, or what I deli-
 ‘ vered, any thing of it be displeasing, or
 ‘ contrary to the Opinion of this House) that
 ‘ I am far from justifying of it, but submit
 ‘ that, and all other my Actions, to your
 ‘ Wisdom and Goodness : *Mr. Speaker,*
 ‘ the first Writs that were sent out about
 ‘ Shipping Business, I had no more Know-
 ‘ ledge of, and was as ignorant as any one
 ‘ Member of this House, or any Man in the
 ‘ Kingdom ; I was never the Author or De-
 ‘ viser of it, and will boldly say, from the
 ‘ first Hour I did never advise or counsel the
 ‘ setting forth of any Ship-Writs in my Life.

‘ *Mr.*

‘ Mr. S P E A K E R, it is true that I
‘ was made Chief Justice of the Common-
‘ Pleas some four Days before the Ship-Writs
‘ went out to the Ports and Maritime Pla-
‘ ces, (as I do remember) the 13th of Octo-
‘ ber 1634. they do bear Test: And I was
‘ sworn Chief Justice the 16th of October, so
‘ as they went out in that Time, but with-
‘ out my Knowledge or Privity; the God of
‘ Heaven knows this to be true.

‘ Mr. S P E A K E R, afterwards his
‘ Majesty was pleased to command my Lord
‘ Chief Justice of the King’s-Bench that
‘ then was (Sir Thomas Richardson), and
‘ Chief Baron of the Exchequer that now is,
‘ and my self, then Chief Justice of the Com-
‘ mon-Pleas, to take into consideration the
‘ Precedent then brought unto us, which we
‘ did, and after returned to his Majesty
‘ what we had found out of these Precedents.

‘ I T is true, that afterwards his Majesty
‘ did take into consideration, that if the whole
‘ Kingdom were concerned, that it was not
‘ Reason to lay the whole Burthen upon the
‘ Cinque-Ports and Maritime Towns.

‘ T H E R E U P O N, upon what
‘ Ground his Majesty took that into his
‘ Consideration, I do confesse I know no-
‘ thing of it.

‘ H I S Majesty did command my Lord
‘ Chief Justice that now is, my Lord Chief
‘ Baron, and my self, to return our Opini-
‘ ons; whether, when the whole Kingdom
‘ is in Danger, and the Kingdom in gene-
‘ ral is concerned, it be not according to
‘ Law and Reason, that the whole Kingdom,
‘ and his Majesty, and all interested therein,
‘ should join in defending and preserving
‘ thereof.

‘ THIS was in Time about 1634.

‘ IN *Michaelmas* Term following, His Majesty commanded me to go to all the Judges, and require their Opinions in particular.

‘ HE commanded me to do it to every one, and to charge them, upon their Duty and Allegiance, to keep it secret.

‘ Mr. S P E A K E R, It was never intended by his Majesty (so profess’d by him) at that time, and so declared to all the Judges, that it was not required by him to be such a binding Opinion to the Subject, as to hinder him from calling it in Question, nor to be binding to themselves, but that, upon better Reason and Advice, they might alter it ; but desired their Opinions for his own private Reason.

‘ I K N O W very well, that extrajudicial Opinions of Judges ought not to be binding.

‘ B U T I did think, and speak my Heart and Conscience freely ; my self, and the rest of the Judges, being sworn, and by our Oaths tied to counsel the King, when he should require Advice of us, that we were bound, by our Oaths and Duties to return our Opinions.

‘ I D I D obey his Majesties Command, and do here, before the God of Heaven, avow it.

‘ I D I D never use the least Promise of Preferment or Reward to any, nor did use the least Menace : I did leave it freely to their own Consciences and Liberty ; for I was left the Liberty of my own by his Majesty, and had Reason to leave them the Liberty of their own Consciences.

‘ AND

‘ A N D I beseech you, be pleased to have
 ‘ some Belief, that I would not say this, but
 ‘ that I know the God of Heaven will make
 ‘ it appear; and I beseech you, that extrava-
 ‘ gant Speeches may not move against that
 ‘ which is a positive and clear Truth.

‘ Mr. S P E A K E R, in the Discourse
 ‘ of this (as is between Judges some small
 ‘ Discourses sometimes) yet never any Cause
 ‘ wherein any Judges conferred, were so
 ‘ little Conference as between me and them.

‘ Mr. S P E A K E R, against a Nega-
 ‘ tive I can say nothing, but I shall affirm no-
 ‘ thing unto you; but, by the Grace of God,
 ‘ as I affirm it to be true, so I make no doubt
 ‘ of making it appear to be so.

‘ T H I S Opinion was subscribed with-
 ‘ out Solicitation; there was not any Man of
 ‘ us did make any Doubt of subscribing our
 ‘ Opinion, but Two, Mr. Justice *Hutton*,
 ‘ and Mr. Justice *Crooke*.

‘ Mr. J U S T I C E *Crooke* made not a
 ‘ Scruple of the Thing, but of the Intro-
 ‘ duction: For it was thus;

‘ T H A T whereas the Ports and the
 ‘ Maritime Towns were concerned; there,
 ‘ according to the Precedents in former Times,
 ‘ the Charge lay on them.

‘ S O when the Kingdom was in Danger,
 ‘ of which his Majesty was the sole Judge,
 ‘ whether it was not agreeable to Law and
 ‘ Reason the whole Kingdom to bear the
 ‘ Charge?

‘ I L E F T this Case with Judge *Crooke*.

‘ T H E next Term I spake with him,
 ‘ he could give me no Resolution, because
 ‘ he had not seen the Writs in former Times;
 ‘ but did give his Opinion, That when the

‘ whole Kingdom was in Danger, the Defence thereof ought to be born by all.

‘ SO of that Opinion of his, there was no need of a Solicitation.

‘ I SPEAK no more here, than I did openly in my Argument in the *Exchequer-Chamber*.

‘ THIS is the naked Truth : For Mr. Justice *Hutton*, he did never Subscribe at all.

‘ I WILL only say this, That I was so far from pressing him to give his Opinion, because he did ask Time to consider of it, that I will boldly say, and make it good, That when his Majesty would have had him sometimes sent for to give his Opinion, I beseech’d his Majesty to leave him to himself and his Conscience ; and that was the ill Office I did.

‘ THE Judges did Subscribe in *November* or *December* 1635.

‘ I HAD no Conference (nor truly I think) by Accident, any Discourse with any of the Judges, touching their Opinions; for till *February* 1636. there was no Speech of it ; for when they had delivered their Opinions, I did return (according to my Duty) to my Master the King, and delivered them to him ; in whose Custody they be.

‘ IN *February* 1636. upon a Command that came from his Majesty, by one of the then Secretaries of State, the Judges all assembled in *Gray’s-Inn* : We did then fall into a Debate of the Case then sent unto us, and we did then return our Opinions unto his Majesty : There was then much Discourse and great Debate about

[MINE

‘MINE Opinion and Conscience at
‘that Time was agreeable to that Opinion I
‘then delivered.

‘I DID use the best Arguments I could,
‘for the Maintenance of my Opinion ; and
‘that was all I did.

‘IT is true, That then, at that Time,
‘Mr. Justice *Hutton* and Mr. Justice *Crooke*
‘did not differ in the main Point, which
‘was this :

‘WHEN the Kingdom was in Danger,
‘the Charge ought to be born by the whole
‘Kingdom.

‘BUT this Point , Whether the King
‘was the sole Judge of the Danger ? they
‘differed.

‘SO as there was between the first Sub-
‘scription, and this Debate and Consulta-
‘tion, some Fifteen Months Difference.

‘IT is true, That all of them did then
‘Subscribe, both Justice *Hutton* and Justice
‘*Crooke*, which was returned to his Majesty,
‘and after published by my Lord Keeper
‘(my Predecessor) in the *Star-Chamber*.

‘FOR the manner of publishing it I
‘will say nothing, but leave it to those,
‘whose Memories will call to mind what
‘was then done.

‘THE reason of the Subscription of Ju-
‘stice *Hutton* and Justice *Crooke*, (tho’ they
‘differed in Opinion) grew from this that
‘was told them from the rest of the Judges.

‘THAT where the greater Number did
‘agree in their Vote, the rest were involved
‘and included.

‘AND now I have faithfully delivered
‘what I did in that Business, till I came
‘(which was afterwards) to my Argument

‘ in the *Exchequer-Chamber* ; for the Que-
 ‘ stion was, a *Scire facias* issued out of the
 ‘ *Exchequer*, in that Case of Mr. *Hampden's*;
 ‘ of which I can say nothing, for it was
 ‘ there begun, and afterwards Rejournd, to
 ‘ have Advice of all the Judges.

‘ Mr. *Speaker*, among the rest (according
 ‘ to my Duty) I argued the Case.

‘ I SHALL not trouble you, to tell you
 ‘ what my Argument was, I presume there
 ‘ are Copies enough of it ; only I will tell
 ‘ you there are Four Things, very briefly,
 ‘ which I then declared.

‘ FIRST, Concerning the Matter of Dan-
 ‘ ger, and Necessity of the whole King-
 ‘ dom.

‘ I PROFESS, that there was never a
 ‘ Judge in the Kingdom did deliver an Opi-
 ‘ nion, but that it must be in a Case of ap-
 ‘ parent Danger.

‘ WHEN we came to an Argument of
 ‘ the Case, it was not upon a Matter or Issue,
 ‘ but it was upon a Demurr ;

‘ WHETHER the Danger was suffici-
 ‘ ently admitted in Pleading? And therefore
 ‘ it was not the Thing that was in Dispute that
 ‘ was the first Degree and Step that led un-
 ‘ to it.

‘ I DID deliver my self as free and as
 ‘ clear as any Man did, That the King ought
 ‘ to govern by the positive Laws of the
 ‘ Kingdom ; that he could not alter nor
 ‘ change, nor innovate, in Matters of Law,
 ‘ but by common Consent in Parliament.

‘ I DID further deliver, That if this
 ‘ were used to make a further Revenue or
 ‘ Benefit to the King, or in any other Way
 ‘ but in case of Necessity, and for the Pre-
 ‘ servation

‘ fervation of the Kingdom, the Judgment
‘ did warrant no fuch Thing.

‘ MY Opinion in this Bufinefs, I did, in
‘ my Conclusion of my Argument, fubmit
‘ to the Judgment of this Houfe.

‘ I NEVER delivered my Opinion, That
‘ Money ought to be raifed, but Ships pro-
‘ vided for the Defence of this Kingdom;
‘ and in that, the Writ was performed.

‘ AND that the Charge ought not to be
‘ in any Cafe, but where the whole King-
‘ dom was in Danger.

‘ AND Mr. Juftice *Hutton*, and Mr. Ju-
‘ ftice *Crooke*, were of the fame Opinion
‘ with me.

‘ I DO humbly pray, That having related
‘ unto you my whole Carriage in this Bufinefs,
‘ and humbly fubmitting my felf to your grave
‘ and favourable Cenfures, you would be
‘ pleafed not to think, that I delivered thefe
‘ Things with the leaft Intention to fubvert
‘ or fubject the Common Law of the King-
‘ dom, or to bring in or to introduce any
‘ new Way of Government; it hath been as far
‘ from my Thoughts, as any Thing under the
‘ Heavens.

‘ Mr. SPEAKER, I have heard too, That
‘ there hath been fome ill Opinion concei-
‘ ved of me about *Forest* Bufinefs, which
‘ was a Thing far out of the way of my
‘ Study, as any Thing I know towards the
‘ Law.

‘ BUT it pleafed his Majefty, in the
‘ Sicknefs of Mr. *Noye*, to give fome fhort
‘ Warning to prepare my felf for that Em-
‘ ployment.

‘ WHEN I came there, I did both the
‘ King and Commonwealth acceptable Ser-
‘ vice;

‘vice ; for I did, and dare be bold to say,
 ‘with extream Danger to my self and For-
 ‘tune, (some do understand my Meaning
 ‘herein) ran through that Business, and left
 ‘the *Forest* as much as was there.

‘A THING in my Judgment confide-
 ‘rable for the Advantage of the Common-
 ‘wealth, as could be undertaken.

‘WHEN I went down about that Em-
 ‘ployment, I satisfied my self about the Mat-
 ‘ter of Perambulation.

‘THERE were great difficulty of Opi-
 ‘nions, what Perambulation was.

‘I DID arm my self as well as I could, be-
 ‘fore I did any Thing in it.

‘I DID acquaint those that were then
 ‘Judges, in the Presence of the noble Lords,
 ‘with such Objections as I thought it my
 ‘Duty to offer unto them.

‘IF they thought they were not Obje-
 ‘ctions of such Weight, as were not fit to
 ‘stir them, I would not do the King that
 ‘Disservice.

‘THEY thought, the Objections had
 ‘such Answers as might well induce the like
 ‘upon a Conference with the whole Coun-
 ‘try, admitting me to come and confer with
 ‘them ; the Country did unanimously sub-
 ‘scribe.

‘IT fell out afterwards, That the King
 ‘commanded me, and all this before I was
 ‘Chief Justice, to go into *Essex* ; and did
 ‘then tell me he had been informed, That
 ‘the Bounds of the *Forest* were narrower
 ‘than in Truth they ought to be ; and I did
 ‘according to his Command.

‘I WILL here profess that which is known
 ‘to many ; I had no Thought or Intention
 ‘of

of enlarging the Bounds of the *Forest*, further than that Part, about which there was a Perambulation, about 26 *Edw.* IV.

I DESIRED the Country to confer with me about it, if they were pleased to do it; and then, according to my Duty, I did produce these Records, which I thought fit for his Majesty's Service, knowing them to discharge themselves as by Law and Justice they might do.

I DID never, in the least kind, go about to overthrow the Charter of the *Forest*.

AND did publish and maintain *Charta de Foresta* as a sacred Thing, and no Man to violate it, and ought to be preserved for the King and Commonwealth.

I DO in this humbly submit, and what I have done, to the Goodness and Justice of this House.

THE Lord Keeper *Bridgman's* Speech in Parliament, *Octob.* 10. 1667. referring to his Life, in Vol. I.

My Lords, and you Knights, Citizens and Burgeses, of the House of Commons,

THIS Parliament (after many good and wholsom Laws made with your Advice in several Sessions, many great Supplies and Aids given to His Majesty, and for the Maintenance of the Wars, and many other signal Testimonies of your Affection and Duty to Him, for which He again and again renews unto you His most hearty Thanks) was, as you very well know, Pro-rogued from *February* last, till this 10th Day of *October*; His Majesty having then Reason to believe, that there would be no Cause

‘ Cause of your Reassembling in the mean
‘ time.

‘ BUT in this Interval, the *Dutch* (who,
‘ since the War begun, were strengthened
‘ by the Union of *France* and *Denmark*, ha-
‘ ving a great Fleet) actually invaded the
‘ Land; and the *French* at the same time had
‘ a Royal Army in the Field, not far from
‘ the Sea-Coast; the Conjunction of which,
‘ with the others, in some Design against
‘ *England*, or some other of His Majesty’s
‘ Dominions, we had then Cause to suspect.

‘ IN this Streight, His Majesty (who in
‘ lesser Difficulties had frequent Recourse un-
‘ to His Parliament, as His great and faith-
‘ ful Council, and therefore hath every Year
‘ once, often twice, Reassembled you) thought
‘ it necessary to anticipate the Time, and
‘ issued out Proclamations for your Meeting
‘ on the 25th Day of *July* last past.

‘ THIS (though unusual) was done by
‘ the Advice of His Privy-Council; Publick
‘ Necessity and Exigencies allowing, or at
‘ least dispensing with many Things, which
‘ (except in such Cases) were not to be al-
‘ lowed or dispensed withal.

‘ BEFORE that 25th Day of *July*,
‘ there was a Prospect, and daily Expecta-
‘ tion, and (within Three Days following)
‘ an Assurance of a Peace concluded with,
‘ and ratified by, our Three Potent Adver-
‘ saries.

‘ THE Storm which threatned us being
‘ thus blown over, and succeeded by so great
‘ a Serenity, it was raised as a Doubt by
‘ grave and wise Men, Whether or no, the
‘ Necessities and Difficulties which caused so
‘ early a Summons being removed, you could

‘ Sit

‘ Sit or Act as a Parliament before this 10th
‘ of *October*, being the fix’d Time to which
‘ you were formerly Prorogued.

‘ F O R this Cause, together with those
‘ others mentioned by His Majesty, He in
‘ His Princely Wisdom held it necessary, in
‘ a Matter of so great Consequence, again
‘ to fix upon this Day for your Meeting in
‘ Parliament, about which there can be no
‘ Dispute; which being thus twice prefix’d,
‘ and you meeting here upon a double Call,
‘ His Majesty hopes it is a happy Omen,
‘ that this Session of Parliament (which in
‘ Law is but this one Day, all Acts of this
‘ Session referring to it, unless otherwise spe-
‘ cially provided) will be happy and prospe-
‘ rous to His Majesty, to You, and to the
‘ whole Kingdom.

My Lords and Gentlemen,

‘ H I S Majesty supposes, That no Man
‘ would expect, that, during your Recess, He
‘ should have refused Overtures of Peace;
‘ The Vicinity, as well as Potency, of His
‘ United Enemies; The great Expences of
‘ the War, carried on with much Disadvan-
‘ tage, by reason of the Plague and dismal
‘ Fire in *London*; The Consideration of the
‘ Posture of Affairs abroad, (besides many
‘ other Motives obvious unto you) induced
‘ Him to embrace the Opportunity of con-
‘ cluding a Peace.

‘ B U T you well know, That though the
‘ War be at an end, all the Effects thereof are
‘ not yet ended. It will require Time, and
‘ your good Advice, to remove those Ob-
‘ structions, which hinder the Current of
‘ Trade both at Home and Abroad. And in
‘ this Particular, His Majesty thinks fit to re-
‘ commend

' commend it to your Wisdom, to Settle such
 ' a Ballance of Trade between His Subjects
 ' of this Kingdom, and those of *Scotland*, as
 ' that we may not be prejudiced by the Im-
 ' port of their Commodities hither; nor yet
 ' they so discouraged, as to leave off Tra-
 ' ding here, and find out another Vent abroad
 ' more dangerous to us. This He finds too
 ' hard for Him without your Assistance, tho'
 ' (upon your recommending it to Him) He
 ' has used some Endeavours therein.

' HIS Majesty formerly promised, That
 ' you should have an Accompt of the Monies
 ' given towards the War, which His Ma-
 ' jesty hath Commanded His Officer to make
 ' ready: And since that way of Commission
 ' (wherein He had put the Examination of
 ' them) hath been ineffectual, He is willing
 ' you should follow your own Method, Exa-
 ' mine them in what way, and as strictly as
 ' you please: He doth assure you, He will
 ' leave every one concerned to stand or fall
 ' according to his own Innocence or Guilt.

' HIS Majesty has reason to believe, That
 ' some Disaffected Persons (taking Advan-
 ' tage of the Publick Necessities) have spread
 ' abroad Discourses and Rumours reflecting
 ' upon the Government, intending thereby
 ' to beget a Disaffection in His good Sub-
 ' jects: And it is an easie Thing to take Ex-
 ' ceptions, *Cum neque Culpam humana infirmitas,*
 ' *neque Calumniam regnandi difficultas evitet.*
 ' But His Majesty promises Himself from
 ' your good Affections, That every one of
 ' you, in your several Places, will endeavour
 ' to preserve a good Understanding between
 ' Him and His People: And if any just Grie-
 ' vances shall have happned, His Majesty
 ' will

‘ will be as willing and ready to Redress them
 ‘ for the future, as you to have them repre-
 ‘ sented unto Him.

‘ AND His Majesty doubts not, but you
 ‘ will give Healing and Moderate Counsels,
 ‘ and imprint that known Truth into the
 ‘ Hearts of His Subjects, *That there is no Di-
 ‘ stinct Interest between the King and His People ;
 ‘ but the Good of One is the Good of Both.*

‘ THIS is all I have in Command to
 ‘ say at this time.

*Delenda est Carthago : Or, The Lord Chan-
 cellor Shaftsbury's Speech in Parliament about
 the Second War with the Dutch in 1672. re-
 ferring to his Life, in Vol. I.*

*My Lords, and you the Knights, Citizens and
 Burgesses, of the House of Commons,*

‘ THE King hath spoken so fully, so ex-
 ‘ cellently well, and so like Himself,
 ‘ that you are not to expect much from me.
 ‘ There is not a Word in His Speech that
 ‘ hath not its *full Weight* : And, I dare with
 ‘ Assurance say, will have its *Effect* with you.
 ‘ His Majesty had called you sooner, and His
 ‘ Affairs required it, but that He was resol-
 ‘ ved to give you all the Ease and Vacancy
 ‘ to your own private Concerns ; and the
 ‘ People as much Respite from Payments and
 ‘ Taxes, as the Necessity of His Business, or
 ‘ their Preservation, would permit. And yet
 ‘ (which I cannot but here mention to you)
 ‘ by the crafty Insinuations of some ill-affe-
 ‘ cted Persons, there have been spread strange
 ‘ and desperate *Rumours*, which your Meet-
 ‘ ing

ing together this Day hath sufficiently proved both Malicious and False.

HIS Majesty hath told you, That He is now engaged in an important, very expensive, and indeed a *War* absolutely necessary and unavoidable. He hath referred you to His *Declaration*, where you will find the *Personal Indignities* by *Pictures* and *Medals*, and other *publick Affronts*, His Majesty hath received from the *States*, their *Breach of Treaties*, both in the *Surinam* and *East-India* *Business*: And at last they came to that Height of Insolence, as to deny the Honour and Right of the *Flag*, though an undoubted Jewel of this Crown, never to be parted with, and by them particularly owned, in the late Treaty of *Breda*, and never contested in any Age. And whilst the King first long expected, and then solemnly demanded *Satisfaction*, they disputed His Title to it in all the *Courts* of *Christendom*, and made great Offers to the *French King*, if he would stand by them against us. But the *Most Christian King* too well remembered what they did at *Munster*, contrary to so many *Treaties*, and solemn *Engagements*; and how dangerous a Neighbour they were to all *Crowned Heads*.

THE King and His *Ministers* had here a hard Time, and lay every Day under new *Obloquies*. Sometimes they were represented, as selling all to *France* for Money to make this *War*: *Portsmouth*, *Plymouth*, and *Hull*, were to be given into the *French Hands* for *Caution*. The next Day News came, that *France* and *Holland* were agreed. Then the *Obloquy* was turned from *Treachery* to *Folly*: The *Ministers* were now *Fools*, that some Days

Days before were *Villains*. And indeed the *Coffee-houses* were not to be blamed for their last Apprehensions; since if that *Conjunction* had taken effect, then *England* had been in a far worse Case than now it is, and the War had been turned upon us. But *both Kings*, knowing their Interests, resolved to joyn against them, who were the Common Enemies to all *Monarchies*, and I may say, especially to ours, their only Competitor for *Trade*, and *Power* at Sea; and who only stand in their Way to an *universal Empire*, as great as *Rome*. This the *States* understood so well, and had swallowed so deep, that under all their present Distress and Danger, they are so intoxicated with that *vast Ambition*, that they slight a *Treaty*, and refuse a *Cessation*.

ALL this you, and the whole Nation, saw before the last *War*; but it could not then be so well *timed*, or our *Alliances* so well made. But you judged aright, that at any rate, *Delenda est Carthago*, That Government was to be brought down. And therefore the King may well say to you, 'Tis your *War*. He took His *Measures* from you, and they were *just*, and *right* Ones: And He expects a suitable *Assistance* to so necessary and expensive an Action; which He has hitherto maintained at His own Charge, and was unwilling either to *trouble* you, or *burden* the Country, until it came to an *inevitable Necessity*. And His Majesty commands me to tell you, That unless it be a *certain Sum*, and *speedily raised*, it can never answer the Occasion.

My Lords and Gentlemen,

‘*Reputation* is the great Support of War or
 ‘Peace. This *War* had never begun, nor had
 ‘the *States* ever slighted the *King*, or ever re-
 ‘fused Him *Satisfaction*, neither had this *War*
 ‘continued to this Day, or subsisted now, but
 ‘that the *States* were deceived in their *Mea-*
 ‘*sures*, and apprehended His Majesty in that
 ‘great want of Money, that He must sit
 ‘down under any *Affronts*, and was not able
 ‘to begin, or carry on a *War*. Nay, at this
 ‘Day the *States* support themselves amongst
 ‘their People by this only *Falshood*, that they
 ‘are assured of the *Temper* of *England*, and of
 ‘the *Parliament*, and that you will not supply
 ‘the King in this War: And that if they
 ‘can hold out till your Meeting, they will
 ‘have new Life, and may take new *Mea-*
 ‘*sures*. There are lately taken, two of their
 ‘principal *Agents*, with their Credentials and
 ‘Instructions to this purpose, who are now
 ‘in the *Tower*, and shall be proceeded against
 ‘according to the Law of Nations. But the
 ‘King is sufficiently assured of *His People*:
 ‘Knows you better; and can never doubt
 ‘His *Parliament*. This had not been men-
 ‘tioned, but to shew you of what Importance
 ‘the *Frankness*, and *Seasonableness* of this Supply
 ‘is, as well as the *Fulness* of it. Let it say,
 ‘the King has brought the *States* to that
 ‘Condition, that your hearty Conjunction
 ‘at this time, in supplying His Majesty, will
 ‘make them never more formidable to Kings,
 ‘or dangerous to *England*. And if after this
 ‘you suffer them to get up, let this be re-
 ‘membred, The *States* of *Holland* are *Eng-*
 ‘*land’s* eternal Enemy, both by *Interest* and *In-*
 ‘*clination*.

‘IN

‘ IN the next Place, to the Supply for
‘ the carrying on of the War, His Majesty
‘ recommends to you the taking Care of His
‘ Debts. What you gave the last Session did
‘ not near answer *your own Expectation*. Be-
‘ sides, another considerable Aid you de-
‘ signed His Majesty, was *unfortunately lost in*
‘ *the Birth*; so that the King was forced for
‘ the carrying on of His Affairs, much
‘ against His Will, to put a Stop to Pay-
‘ ments out of the *Exchequer*. He saw the
‘ Pressures upon Himself, and growing *Inconve-*
‘ *niencies* to His People, by great Interest;
‘ and the Difference through all His Business,
‘ between *Ready Money* and *Orders*. This
‘ gave the King the Necessity of that Pro-
‘ ceeding, to make use of His own Revenue,
‘ which hath been of so great Effect in this
‘ War. But though He hath put a Stop to
‘ the Trade and Gain of the Bankers, yet
‘ He would be unwilling to ruine them, and
‘ oppress so many *Families* as are concerned in
‘ those Debts: Besides, it were too dispropor-
‘ tionable a Burden upon many of His good
‘ Subjects. But neither the *Bankers*, nor they,
‘ have Reason to complain, if you now take
‘ them into your Care, and they have paid
‘ them what was due to them, when the
‘ Stop was made, with *Six per Cent.* Interest
‘ from that time. The King is very much
‘ concerned, both in *Honour* and *Interest*, to see
‘ this done. And yet he desires you not to mis-
‘ time it: But that it may have only the se-
‘ cond Place, and that you will first settle
‘ what you intend about the *Supply*.

‘ HIS Majesty has so fully vindicated His
‘ Declaration from that Calumny concerning
‘ the *Papists*, that no reasonable Scruple can

' be made by any good Man. He has suffi-
 ' ciently justified it by the Time it was pub-
 ' lished in, and the Effects He hath had from
 ' it; and might have done it more, from the
 ' Agreeableness of it to His own natural
 ' Disposition, which no good *English* Man
 ' can wish other than it is. He loves not
 ' Blood, or rigorous Severities; but where
 ' *mild* or *gentle* Ways may be used by a *wise*
 ' *Prince*, He is certain to choose them. The
 ' *Church of England*, and all good *Protestants*,
 ' have reason to rejoyce in such a *Head*, and
 ' such a *Defender*. His Majesty doth declare
 ' His Care and Concerns for the *Church*, and
 ' will maintain them in all their *Rights* and
 ' *Privileges*, equal, if not beyond any of His
 ' Predecessors: He was born, and bred up
 ' in it: It was that His Father died for: We
 ' all know how great Temptations and Offers
 ' He resisted abroad, when He was in His
 ' lowest Condition: And He thinks it the
 ' Honour of His Reign, that He hath been
 ' the *Restorer* of the *Church*: 'Tis that He will
 ' ever maintain, and hopes to leave to Poste-
 ' rity in greater *lustre*, and upon surer *grounds*,
 ' than our Ancestors ever saw it. But His
 ' Majesty is not convinced that *violent Ways*
 ' are the Interest of *Religion* or the *Church*.

' THERE is one Thing more, that I am
 ' commanded to speak to you of, which is,
 ' the *Jealousie*, that hath been foolishly spread
 ' abroad, of the Forces the King hath raised
 ' in this War. Wherein the King hath *opened*
 ' *himself freely* to you, and confessed the Fault
 ' on the other Hand. For if this last Summer
 ' had not proved a *Miracle* of *Storms* and *Tem-*
 ' *pests*, such as secured their *East-India Fleet*,
 ' and protected their *Sea-Coast* from a
 ' Descent,

Descent, nothing but the true Reason
(Want of Money) could have justified the
Defect in the Number of our Forces. 'Tis
that His Majesty is providing for against
the next Spring, having given out Orders
for the raising of Seven or Eight Regiments
more of Foot, under the Command of
Persons of the greatest *Fortunes* and *Quality*.
And I am earnestly to recommend to you,
That in your Supplies, you will take into
your Consideration this necessary *Addition*
of *Charge*.

AND, after His Majesty's Conclusion of
His Speech, let me conclude, nay, let us all
conclude, with blessing God, and the King.
Let us bless God, that he hath given us such
a King, to be the Repairer of our Breaches
both in Church and State; and the Restorer of
our Paths to dwell in: That in the midst of
War and Misery, which rages in our
Neighbour Countries, our Garners are full,
and there is no complaining in our Streets: And
a Man can hardly know that there is a War.
Let us bless God, that hath given this King
signally the Hearts of His People, and most
particularly of this Parliament, who, in
their Affection and Loyalty to their Prince,
have exceeded all their Predecessors. A
Parliament with whom the King hath many
Years lived with all the Caresses of a happy
Marriage. Has the King had a Concern?
You have wedded it. Has His Majesty
wanted Supplies? You have readily, cheer-
fully, and fully provided for them. You
have relied upon the Wisdom and Conduct of
His Majesty in all His Affairs: So that you
have never attempted to exceed your Bounds,
or to impose upon Him: Whilst the King,

‘ on the other Hand, hath made your Coun-
 ‘ cils the Foundations of all His Proceedings;
 ‘ and hath been so tender of you, that He
 ‘ hath, upon His own *Revenue* and *Credit*,
 ‘ endeavoured to support even *Foreign Wars*,
 ‘ that He might be least uneasie to you, or
 ‘ burthensome to His People. And let me
 ‘ say, That though this *Marriage* be accor-
 ‘ ding to *Moses’s Law*, where the Husband
 ‘ can give a *Bill of Divorce*, put her away,
 ‘ and take *another*: Yet I can assure you, it is
 ‘ as impossible for the King to part with *this*
 ‘ *Parliament*, as it is for *you* to depart from
 ‘ that *Loyalty*, *Affection*, and *dutiful Behaviour*,
 ‘ you have hitherto shew’d towards Him.

‘ LET us bless the King for taking away
 ‘ all our *Fears*, and leaving no room for
 ‘ *Jealousies*: For those *Assurances* and *Promises*
 ‘ He hath made us. Let us bless God and the
 ‘ King, that our *Religion* is safe: That the
 ‘ *Church of England* is the Care of our Prince:
 ‘ That *Parliaments* are safe: That our *Proper-*
 ‘ *ties* and *Liberties* are safe. What more hath
 ‘ a good *English Man* to ask, but that *this*
 ‘ King may long reign, and that this Triple-
 ‘ Alliance of *King*, *Parliament*, and *People*,
 ‘ may never be dissolved?

A Speech of the Lord Chancellor *Shaftsbury*,
 in the Court of *Exchequer*, to Baron *Thur-*
land, at the taking his Oath, *Jan. 24. 1673*.
 wherein there is some excellent Advice
 given, worthy to be preserved to Posterity.

Mr. Serjeant Thurland,

‘ THE King, of His Grace and Favour,
 ‘ hath made Choice of you to be One
 ‘ of the Barons of the *Exchequer*. He de-
 ‘ signed

signed to place you in a Court of more Profit, though not of more Dignity : But your own Modesty and Virtue hath chosen this Court, where you thought you could serve the King best. And I could not omit to mention it here to your Honour, it being the greatest Instance of a good Man, That he had rather be found serviceable, than rich. His Majesty hath had large Proof of your former Services ; besides, He takes you upon the Credit of that Recommendation, that hath justly the best Place with Him : I mean His Royal Brothers.

SOME few Things it is fit I should here mention to you, and leave with you as Admonitions, or rather Remembrances. In the first Place, you are to maintain the *King's Prerogative* ; and let not the *King's Prerogative* and the *Law* be two Things with you : For the *King's Prerogative* is *Law*, and the principal Part of the *Law* ; and therefore, in maintaining that you maintain the *Law*. The Government of *England* is so excellently interwoven, that every Part of *Prerogative* hath a broad Mixture of the Interest of the Subject ; the Ease and Safety of the People being inseparable from the Greatness and Security of the Crown.

IN the next Place, let me advise you, That you acquaint your self with the *Revenue* ; as also with the *Ancient Records*, *Precedents*, and *Practice*, of this Court : For want of which Knowledge, I have seen this Court a most excellent *Common Pleas*, when at the same time I could not say so much for it as an *Exchequer*.

‘ IN the third Place, let me recommend
 ‘ to you so to manage the *King’s Justice* and
 ‘ *Revenue*, as the King may have most *Profit*,
 ‘ and the Subject least *Vexation*. Raking for
 ‘ old Debts, the Number of Informations,
 ‘ Projects upon Concealments, I could not
 ‘ find, in the Eleven Years Experience I have
 ‘ had in this Court; ever to advantage the
 ‘ Crown: But such Proceedings have for the
 ‘ most part delivered up the King’s good Sub-
 ‘ jects into the Hands of the worst of Men.

‘ T H E R E is another Thing I have ob-
 ‘ served in this Court, that I shall mind you
 ‘ of, which is, When the Court hearkens too
 ‘ much to the *Clerks* and *Officers* of it, and are
 ‘ too apt to send out *Process*, when the Money
 ‘ may be raised by other Ways more easie to
 ‘ the People. I do not say, That the King’s
 ‘ Duty should be lost, or that the strictest
 ‘ Course should not be taken, rather than that
 ‘ be: But when you consider how much the
 ‘ *Officers* of this Court, and the *Under-Sheriffs*,
 ‘ get by *Process* upon small Sums, more than
 ‘ the King’s Duty comes to; and upon what
 ‘ Sort of People this falls, to wit, the *Farmer*,
 ‘ *Husbandman*, and *Clothier*, in the Country,
 ‘ that is generally the *Collector*, *Constable*, and
 ‘ *Tythingman*, and so disturbs the industrious
 ‘ Part of the Nation; you will think it fit to
 ‘ make that the last Way, when no other
 ‘ will serve.

‘ G I V E me Leave also to mind you of
 ‘ one Thing more which is in your Oath,
 ‘ *That the King’s Needs ye shall speed before all other*:
 ‘ That is, the Business of the *Revenue of the*
 ‘ *Crown* you are to dispatch before all other,
 ‘ and not turn your Court into a Court of
 ‘ Com-

Common Pleas; and let that juttle out what you were constituted for.

‘ I N the last Place, let me conclude with what concerns all my *Lords* the *Judges*, as well as you, let me recommend to you the *Port*, and way of Living suitable to the Dignity of your Place, and what the King allows you. There is not any Thing gains more Reputation and Respect to the Government than that doth; and let me tell you, *Magistrates*, as well as *Merchants*, are supported by Reputation.

A N O T H E R Speech of the Lord Chancellor *Shaftsbury* in Parliament, October 27. 167²/₃, about the *Dutch War*.

My Lords, and you the Knights, Citizens and Burgessees of the House of Commons.

‘ H I S Majesty had reason to expect, That he should have met you with the *Olive-Branch* of Peace: His *Naval Preparations*, greater than in any former Years, together with the *Land Forces* he had ready for any Occasion, gave him Assurance to obtain it before this time. And the rather, because his Aims were not *Conquest*, unless by *Obstinacy* enforced; but his *Condescensions* at the Treaty have been so great, That the very Mediators have declared they were not reasonably to be refused. He could not be King of *Great-Britain* without securing the *Dominion* and *Property* of his own *Seas*; the first by an Article clear and not Elusory of the *Flag*; the other by an Article that preserved the Right of the *Fishing*, but gave the *Dutch* Permission, as *Tenants*, under a small Rent, to enjoy, and
‘ continue

' continue that *Gainful Trade* upon his Coasts.
 ' The *King* was obliged, for the *Security* of a
 ' lasting *Peace*, as also by the *Laws* of *Gra-*
 ' *titude* and *Relation*, to see the *House* of
 ' *Orange* settled, and the *Lowestein*, that *Car-*
 ' *thaginian* Party, brought down. Neither
 ' in this did the *King* insist beyond what was
 ' Moderate, and Agreeable to their Govern-
 ' ment; and what the Prince's Ancestors en-
 ' joyed amongst them. Besides these, there
 ' was necessary to the Trade of *England*,
 ' that there should be a fair *Adjustment* of
 ' *Commerce* in the *East-Indies*; where the
 ' *King's* Demands were reasonable, and ac-
 ' cording to the Law of Nations; and *their*
 ' *Practise* of late Years hath been *Exorbitant*
 ' and *Oppressive*, suitable only to their Power
 ' and Interest, and *Destructive*, if continued,
 ' to our *East-India-Company*. These were all,
 ' of any Moment, the King insisted on; as
 ' judging aright, That that *Peace*, that was
 ' *Reasonable*, *Just*, and *Fair* to both Parties,
 ' would be *Sacred* and *Durable*. And that, by this
 ' Means, he should depress the Interest, and
 ' Reputation of that *Lowestein* Party amongst
 ' them, who sucked in with their Milk an inve-
 ' terate Hatred to *England*, and transmit it to
 ' their Posterity as a *distinguishing Character*,
 ' wherein they place their *Loyalty* to their Coun-
 ' try. In return to this *candid* and *fair Proceeding*
 ' on the *King's* Part, His Majesty assures you
 ' he hath received *Nothing*, but the most
 ' *scornful* and *contemptuous Treatment* imagi-
 ' nable; Papers delivered in to the *Media-*
 ' *tors*, owned by them to be stuffed with so
 ' unhandsome Language, that they were
 ' *ashamed*, and *refused* to shew them: Never
 ' agreeing to any Article about the *Flag*,
 ' that

that was clear or plain : Refusing any Article of the *Fishing*, but such a one, as might sell them the Right of Inheritance for an inconsiderable Sum of Mony, though it be a *Royalty so inherent in the Crown of England*, that I may say, (with His Majesty's Pardon for the Expression) he cannot sell it. The Article of the *Prince of Orange*, and the *Adjustment of the East-India-Trade*, had neither of them any better Success ; and to make all of a Piece, they have this last Week sent a Trumpeter with an Address to His Majesty, being a Deduction of their several Offers of Peace, as they call them, and their Desires for it now : But it is, both in the Penning and the Timing of it, plainly an Appeal to His Majesty's People against himself ; and the King hath commanded me to tell you, he is resolved to join Issue with them, and print both their Address, and his Answer ; that his People, and the World, may see how notorious Falshoods and Slights they endeavour to put upon him. In a word, in *England*, and in all other Places, and to all other Persons of the World, they declare they offer all Things to obtain a Peace from the King of *England* : But to himself, his Ministers the Mediators, or his Plenipotentiaries, it may with Confidence and Truth be affirmed, That to this Day, nay, even in this last Address, they have offered Nothing. They desire, the King's Subjects would believe they beg for Peace, whilst their true Request is, only to be permitted to be once *Masters of the Seas* ; which they hope, if they can subsist at Land, length of Time may give them : and if once got, is never to be lost ; nor
can

' can it be *bought* by any State or Empire at
 ' too great a Rate. And what Security their
 ' Agreement with us in Religion will afford,
 ' when they shall have the Power, former
 ' Instances may give Demonstration of. Joint
 ' Interests have often secured the Peace of dif-
 ' fering Religions, but agreeing Professions hath
 ' hardly an Example of preserving the Peace
 ' of different Interests. This being the true
 ' and natural State of Things, His Majesty
 ' doth with great Assurance throw himself in-
 ' to the Arms of you his Parliament, for a Sup-
 ' ply suitable to this great Affair he is enga-
 ' ged in. When you consider we are an
 ' Island, 'tis not Riches nor Greatness we con-
 ' tend for, yet those must attend the Success;
 ' But 'tis our very Beings are in Question:
 ' We fight *pro Aris & Focis* in this War. We
 ' are no longer Freemen, being Islanders and
 ' Neighbours, if they master us at Sea. There
 ' is not so lawful or commendable a Jealousy
 ' in the World, as an Englishman's, of the
 ' growing Greatness of any Prince or State at
 ' Sea. If you permit the Sea, our British Wife,
 ' to be ravished, an eternal Mark of Infamy
 ' will stick upon us; therefore I am comman-
 ' ded earnestly to recommend to you not on-
 ' ly the Proportion, but the Time of the Supply:
 ' For unless you think of it Early, it will not
 ' be serviceable to the chief End of setting
 ' out a Fleet betimes the next Spring.

' As for the next Part of the King's Speech,
 ' I can add nothing to what His Majesty hath
 ' said. For as to Religion and Property, his
 ' Heart is with your Heart, perfectly with your
 ' Heart: He hath not yet learned to deny
 ' you any thing; and he believes your Wis-
 ' dom and Moderation is such, he never shall.

! He

‘ He asks of you to be at *Peace in him*, as he
‘ is in you, and he shall *never deceive you*.

‘ There is one Word more, I am comman-
‘ ded to say concerning the *Debt* is owing to
‘ the *Goldsmiths*. The King holds himself in
‘ *Honour* and *Conscience* obliged to see them
‘ satisfied. Besides, you all know how many
‘ *Widows*, *Orphans*, and *Particular Persons*, the
‘ publick Calamity hath overtaken; and
‘ how hard it is, that so *disproportionable a Bur-*
‘ *then* should fall upon them, even to their
‘ utter *Ruin*. The whole Case is so well and
‘ generally known, that I need say no more.
‘ Your *great Wisdoms* hath not done it at the
‘ first, peradventure that the Trade of the
‘ *Banker* might be suppressed; which End is
‘ now attained. So that now your *great*
‘ *Goodness* may restore to those poor People,
‘ and the many innocent Ones that are con-
‘ cerned with them, some Life and Assu-
‘ rance of Payment in a competent Time.

‘ *My Lords and Gentlemen*, I have no more
‘ in command, and therefore shall conclude,
‘ with my own hearty Prayers, That this
‘ *Session* may *equal*, nay *exceed*, the Honour of
‘ the last; That it may perfect what the
‘ last begun for the *Safety of this King and*
‘ *Kingdom*; That it may be ever famous for
‘ having established, upon a durable Foun-
‘ dation, our *Religion, Laws, and Properties*;
‘ That we may not be tossed with *boisterous*
‘ *Winds*, nor overtaken by a *sudden dead Calm*:
‘ But that a *gentle fair Gale* may carry you in
‘ a steady, even, and resolved Way, into
‘ the Ports of *Wisdom and Security*.

A SPEECH of the Lord Keeper *Finch*, made in Parliament, *Jan.* 7. 167 $\frac{3}{4}$. referred to as well as the rest of his that succeed, in his Life.

My Lords, and you the Knights, Citizens, and Burgeses of the House of Commons,

‘ THE King hath already in Part told
‘ you, What he hath done for you
‘ since the Last Recess; What he is still ready
‘ to do; and, What it is he doth now expect
‘ from you.

‘ AND this in Terms so Full and so O-
‘ bliging, so Generous and so Satisfactory,
‘ that He whose Affections are not rais’d by
‘ that Discourse, He who cannot Acquiesce
‘ in the Fulness of this Assurance, He whose
‘ Heart is not Establish’d by it in such a Be-
‘ lief as may entirely Dispose him to the Ser-
‘ vice of the Crown, will hardly be reco-
‘ ver’d to a Better Disposition by any other
‘ Expedient.

‘ FOR indeed, what better Way can be
‘ found to undeceive those who have been
‘ abus’d, the King refers you to the Time
‘ past, not to his Promises, but to his Per-
‘ formances; gives Men leave to judge by
‘ what they see, of what they hear, by
‘ what hath been done since the Last Session,
‘ of what is offer’d you Now, and what is
‘ likely to be done for the Time to come.

‘ AND doth not every Man see, that the
‘ King hath given New Life and Motion to
‘ such Laws as were long dead, or fast asleep?
‘ That he hath once more repair’d the Hedge
‘ about our Vineyard, and made it a Fence
‘ indeed, against all those who are Enemies

* * *

to

‘ to the Planting of it, who would be glad
 ‘ to see it trodden down or rooted up, and
 ‘ study how to sap and undermine our very
 ‘ Foundations.

‘ DO we not see, that the King hath
 ‘ made it his Care and his Business to do all
 ‘ that is possible to preserve us in our Civil
 ‘ Rights too; That he makes the Laws of
 ‘ His Kingdom the Measures not only of his
 ‘ Power, but his Prudence; That he suffers
 ‘ no Man to be wiser then the Law; That
 ‘ He thinks he cannot judge of the Health
 ‘ or Sicknefs of his State by any better Indi-
 ‘ cation than the Current of his Laws, and
 ‘ suffers nothing to remain that may in the
 ‘ least Measure hinder Justice from flowing
 ‘ in its due and proper Channels?

‘ A VERY few Instances, of many that
 ‘ might be used, will serve to Demonstrate
 ‘ it.

‘ IF the Conviction of all Recusants, and
 ‘ bringing them under the Penal Laws, can
 ‘ suppress Popery:

‘ IF without staying for the Forms of
 ‘ Law in Points of Conviction; The present
 ‘ forbidding all Papists, or reputed Papists,
 ‘ to come to Court, and the extending this
 ‘ Prohibition to his Royal Palace at St. James’s,
 ‘ be enough to Discountenance them:

‘ IF the not extending his Prerogative
 ‘ beyond its due Limits can secure your Li-
 ‘ berties:

‘ IF His Majesty’s lessening and reducing
 ‘ all His Land Forces, and maintaining so
 ‘ few Extraordinary, that they will scarce
 ‘ be enough to help to Mann His Fleet this
 ‘ Summer, can extinguish the Fears of a
 ‘ Standing Army:

‘ IF

‘ IF a rigorous and severe Prosecution
 ‘ at Law, of all the Officers and Soldiers in
 ‘ His Majesty’s ordinary Guards, when they
 ‘ Misbehave themselves towards the meanest
 ‘ Subject, can secure your Properties:

‘ IF the Abrogation of all the Privileges
 ‘ from Arrests which were claim’d by His
 ‘ Majesty’s Servants Extraordinary, who are
 ‘ very Numerous, can prevent the Delays
 ‘ and Obstructions of Justice:

‘ THEN surely His Majesty hath rea-
 ‘ son to believe, that nothing is wanting
 ‘ which can lawfully be done, or modestly
 ‘ be wish’d, either for your Satisfaction, or
 ‘ your Security.

‘ THESE are not single and transient
 ‘ Acts, but such Acts as flow from Habits:
 ‘ These are not Leaves and Blossoms, but
 ‘ true, solid, and lasting Fruits: Long! Long!
 ‘ may that Royal Tree live and flourish,
 ‘ upon which these Fruits do grow!

‘ AND yet His Majesty’s Indulgence to
 ‘ you rests not here, He gives you leave to
 ‘ study and contrive your own Assurance;
 ‘ and if you think you want any further Se-
 ‘ curity, if any Thing have escaped His Ma-
 ‘ jesty’s Care, who meditates nothing more
 ‘ then your Preservation, you see you have
 ‘ free Leave to make any reasonable Propo-
 ‘ sition, and His Gracious Promise that He
 ‘ will receive it.

‘ THIS is a Satisfaction equal to all your
 ‘ Wishes. Now, if ever your Joys are full,
 ‘ there wants no more to the Improvement
 ‘ of this Happiness, but the Wisdom of the
 ‘ Parliament to use these Advantages with a
 ‘ due Moderation.

* * *

‘ IF

‘ I F therefore, upon Enquiry, you shall
 ‘ think it needful to apply any other Reme-
 ‘ dies ; it is extreamly to be wish’d, that those
 ‘ Remedies may be few ; and withal, that
 ‘ they may be gentle and easie too.

‘ F O R they that are Sick, perish as often
 ‘ by too many Remedies, as by none at all ;
 ‘ But none fall so fatally and so finally as
 ‘ they, who, being enter’d into some Degrees
 ‘ of Convalescence, resolve to recover in an
 ‘ Instant, and had rather make some great
 ‘ Effort, or try some bold Experiment upon
 ‘ themselves, than observe the Methods, or
 ‘ attend those gradual Progressions which
 ‘ are necessary to perfect that Health, and
 ‘ compleat that Recovery.

‘ I M U S T not omit one Instance more
 ‘ of His Majesty’s Care for you, and that is
 ‘ the great Industry and Application of Mind
 ‘ which His Majesty hath us’d all along, in
 ‘ Hopes to have obtain’d by this time, if it
 ‘ had been possible, an Honourable and a
 ‘ Just Peace.

‘ A V E R Y few Words will serve to give
 ‘ you the whole Deduction of it, from the
 ‘ first Original to this present Moment.

‘ M U C H Time was spent in agreeing
 ‘ the Place of Treaty, wherein the *Dutch*
 ‘ were gratifi’d in their Desires, and the City
 ‘ of *Cologne* is accepted for the Place.

‘ W H E N His Majesty’s Ambassadors ar-
 ‘ riv’d there, the very first Meeting with
 ‘ those from the States General made it Evi-
 ‘ dent, that their Plenipotentiaries came not
 ‘ with any Intention to enter upon a serious
 ‘ Treaty, but only to draw the Matter out
 ‘ into Length, until their Affairs might meet

‘ with a better and more pleasing Conjunction.

‘ FOR their very Credentials or Plenipotencies were so penn’d, that there were no less then four gross Equivocations in the Body of them, which was so manifest and without all Reply, that they were fain to send to their Masters at the *Hague* to get them amended.

‘ BUT that which gave greatest Offence of all, and was purposely done for that End, was the Preamble, wherein they take upon them to beg the Question, to decide the Justice of the Cause, and to affirm such Matters of Fact, as they had Reason to believe would never be admitted.

‘ NO Arguments of Our Ambassadors, no Instances of the Mediators, though never so importunate, could prevail then, or yet can prevail, to have it altered.

‘ THE Treaty should naturally have stopt here, but that His Majesty was resolved to give a Beginning to it, and (which was all that could be done) suffered His Ambassadors to enter upon it with a Protestation.

‘ OUR Demands are no sooner given in, but presently two of the *Dutch* Ambassadors go away to the *Hague*, on Pretence to consult their Masters, where they stay’d a full Month, without any kind of Answer given, or Exceptions taken, to His Majesty’s Demands, or any the least Step made in this Negotiation.

‘ WHEN they came back, their Answer was a Remonstrance rather than an Answer, and such a Remonstrance as was fitter for a Rupture than a Treaty: There was scarce
‘ one

‘ one Period in it, which did not rather give
‘ Occasion of new Offence, than any Satis-
‘ faction for what was past.

‘ THEIR very Conversation from that
‘ Time forward wanted much of its former
‘ Civility.

‘ THEY waited for the Conclusion of
‘ a Treaty with *Spain*, wherein one Article
‘ was, That as soon as *Spain* had broke with
‘ *France*, they would presently break off the
‘ Treaty at *Cologne*.

‘ AND now this Article is in effect per-
‘ formed ; for Two of their principal Am-
‘ bassadors are actually gone away from *Co-*
‘ *logne*, as they long threatned they would
‘ do, leaving only Two other for Forms-
‘ sake ; who in all probability, either must
‘ not, or will not Conclude without their
‘ Colleagues.

‘ HIS Majesty, notwithstanding, hath not
‘ suffer’d himself to be diverted from using
‘ all the Ways and Means that were possible
‘ to facilitate a Peace. To this End, He di-
‘ rected His Ambassadors, from time to time,
‘ to Moderate their Demands in such Parti-
‘ culars as were capable of it ; and wholly
‘ relaxes some Points which were of highest
‘ Importance to the *Dutch* to gain, and very
‘ considerable Abatements of His Majesty’s
‘ just Satisfaction.

‘ A CONDESCENSION well receiv’d
‘ and esteem’d by the Mediators, though it
‘ hath not yet found any suitable Reception
‘ from the *Dutch* Ministers, or their Superiour
‘ Lords.

‘ BY this time they began to hope, that
‘ the Subjects of *England* would grow weary
‘ of the War, and that they should be able

‘ to profit themselves very much by our Im-
 ‘ patience.

‘ T O encrease this as much as was possi-
 ‘ ble, they prepare a Letter which they send
 ‘ by a Trumpeter, sitting the Parliament,
 ‘ or very near it, and cause it to be given
 ‘ out, That nothing could be more desir’d than
 ‘ they had offer’d.

‘ HIS Majesty quickly made that Letter,
 ‘ and His Answer to it, publick ; and for
 ‘ that time defeated the Design of this Paper-
 ‘ Stratagem.

‘ THEIR next Recourse was to such Pro-
 ‘ posals, as they could procure the *Spanish*
 ‘ Ambassador to deliver on their Behalfe :

‘ W H E R E I N, besides the Demands of
 ‘ Restitution of Prizes which was wholly
 ‘ impracticable, there was a total Omission
 ‘ of any Regulation of Trade in the *Indies* ;
 ‘ No mention made of Releasing His Maje-
 ‘ sty’s Subjects at *Surinam*, where they re-
 ‘ main in a State of Bondage ; No Recom-
 ‘ pence offer’d, nor so much as Leave asked,
 ‘ for the Liberty of Fishing upon our Coasts.

‘ A N D yet the Right of our sole Fish-
 ‘ ing is so clear, That we find in our ancient
 ‘ Rolls of Parliament, in the Time of *Richard*
 ‘ the Second, a Tax laid upon all Strangers
 ‘ who fish in our Seas ; and this not by way
 ‘ of Custom when they come into our Ports,
 ‘ but by way of Tribute for fishing in our
 ‘ Seas : And this Evidence of His Majesty’s
 ‘ Dominion, within his own Seas, hath been
 ‘ in all Ages downward preserved in some
 ‘ Measure until the Time of the late Usur-
 ‘ per, who for private Reasons first abandon’d
 ‘ it.

‘ A S for that Satisfaction in the Matter of
‘ the Flag, which the Proposals mention, it
‘ is but reasonable to understand it in that
‘ Sense, wherein they sometimes used to ex-
‘ press themselves at *Cologne*.

‘ THAT is the Thing shall be done ;
‘ whole Fleets shall strike their Sails to single
‘ Ships, and they shall do it out of His Ma-
‘ jesty’s Seas too ; but that of Right they
‘ ought so to do, will never be acknow-
‘ ledg’d.

‘ SO they desire to change the ancient
‘ Inheritance of the Crown into a new Pur-
‘ chase, and to turn that Purchase into a
‘ Matter of Civility, which they may equal-
‘ ly pay to all Crown’d Heads, and equally
‘ resume according to their good Pleasure
‘ and Occasions.

‘ NOW though these Proposals have been
‘ back’d with some kind of Intimation of a
‘ War with *Spain*, in case of a Refusal ;
‘ yet His Majesty, who knows the Articles of
‘ Peace between himself and that King, and
‘ His own Care to preserve them, who
‘ knows the Usefulness of His Alliance to
‘ that King, and the many good Offices he
‘ hath always been ready to do for him, and
‘ withal considers the great Wisdom and
‘ Prudence of that Council, and how care-
‘ fully they use to deliberate before they
‘ come to great and important Resolutions,
‘ will not easily believe it possible for that
‘ King to proceed to such Extremities.

‘ THE rather, because the *Dutch* them-
‘ selves have since departed from those very
‘ Proposals which they procur’d the *Spanish*
‘ Ambassador so earnestly to recommend.

‘FOR they afterward sent the Ambassa-
 ‘dor a Reply to His Majesty’s Answer to
 ‘their Letter, wherein they abate much
 ‘of what the Ambassador had offer’d, and
 ‘seek to reduce Things to the State they
 ‘were in at *Breda*.

‘SO that tis hard to know by what kind
 ‘of Proposals they intend to be bound;
 ‘but ’tis most reasonable to believe they in-
 ‘tend those made by themselves, rather than
 ‘those made for them.

‘AND yet this Reply, besides the Dis-
 ‘respect it carried to *Spain*, whose Proposals
 ‘it shrunk from, was so offensive to His Ma-
 ‘jesty, that the Ambassador like a wise and
 ‘great Minister, that is, like himself, thought
 ‘it became him to send it back again with-
 ‘out offering to present it.

‘NEVERTHELESS this Paper hath
 ‘since stolen into the Press, and is printed
 ‘at the *Hague* as a Letter delivered, and hath
 ‘been sent hither under Covers to several
 ‘Members of the House of Commons, of
 ‘that House of Commons whom they Li-
 ‘bell’d in the former War for their Zeal,
 ‘and now pretend to Reverence for their
 ‘Deliberation.

‘AND all this in hopes you will not think
 ‘them obstinate, who refuse to treat at the
 ‘Place of their own Appointment, or to be
 ‘well understood any where else. How is
 ‘it possible to understand these Proceedings
 ‘to be real, and with a true Desire of Peace;
 ‘and if they should yet send during this
 ‘Session any New Proposal, for who knows
 ‘the Designs of an Enemy? what Form so-
 ‘ever those Overtures may be dress’d in, we
 ‘may justly suspect that their End is, if they
 ‘cannot

cannot divide us, at least to amuse us, and lessen our Care in providing for the War.

‘ PERHAPS, ’tis more than an honourable War doth allow to go about to raise Sedition, tho’ in the Country of an Enemy ; but surely the Artifice of Appealing in a manner to the People, and making them the Judges of Peace and War, is a little too plain and open to take any Effect here.

‘ I HAVE done with these few Instances of His Majesty’s Care, those of His Kindness are infinite ; That which you have heard this Morning is of a transcendent, and indeed a very surprizing Nature : ’Tis an Act of so entire a Confidence on His Majesty’s Part, that it can never be repaid by any other Tribute on your Part, but that of a true and humble Affiance in Him.

‘ I MUST now proceed to put you in Mind, That there are some other Things which His Majesty, with great Justice and great Assurance, doth expect from you again.

‘ THE first is a speedy and a proportionable Supply, and this is of absolute Necessity both for War and Peace.

‘ HIS Majesty is well assur’d His Fleet is in such a Forwardness, that if the Supply come in any reasonable Time, you will find no Time hath been lost in Preparation ; and it was no small Matter to bring it to that pass, that we may be as forward as our Enemies if we please, or very near it.

‘ IF the Supply be at all delay’d, it will have as ill Effect almost as if it were denied ; For we may chance to be found like *Archimedes,*

' *medes*, drawing Lines in the Dust, while
 ' the Enemy is entring into our Ports. And
 ' if the further Progress of this Fleet be
 ' stopt for want of your Concurrence, make
 ' account all Hopes of Peace are stopt too:
 ' For though the Fruit of War be Peace,
 ' yet 'tis such a Fruit, as we must not Hope
 ' to gather without our Arms in our
 ' Hands.

' 'TIS not the Way to have a brave Peace,
 ' to shew our selves weary of the War; Who
 ' ever trusted to the good Nature of their
 ' Enemies? 'Tis a vigorous Assistance of
 ' the Crown that must make not only your
 ' Arms considerable, but your Treaties too.

' ON the other side, if the putting of
 ' your selves into a good Posture of War
 ' should produce a Peace, as possibly it may
 ' do, yet you will have the best Account
 ' of your Supply your Hearts can wish; for
 ' His Majesty is content it be appropriated
 ' to the Building of more Ships.

' THEREFORE, if the Discourse
 ' upon this Subject be a little more pressing
 ' than ordinary, you may be sure the Oc-
 ' casion is so too.

' THERE cannot be a higher Gratifi-
 ' cation of your Enemies than to be backward
 ' in this Point; the very Opinion they have
 ' that you would be so, hath already done us
 ' so much Harm, that perhaps it is one great
 ' Cause of the Continuance of the War.

' HAD the Enemy despair'd of any Di-
 ' vision here, 'tis likely his Proceedings had
 ' been more sincere, and our Peace had not
 ' been so far off as now it seems to be.

' THERE

‘ T H E R E is one Thing more the King
‘ hath mention’d, and only mention’d to
‘ you, that is, The Consideration of the
‘ *Goldsmiths*, which involves so many Persons
‘ and Families, that the Concern is little less
‘ than National: ’Tis an Affair the King
‘ lays very much to Heart, and hopes a pro-
‘ per Time will come when a favourable
‘ Regard may be had of it.

My Lords and Gentlemen,

‘ T H E King doth not only assure him-
‘ self of your Affections to Him at this Time,
‘ but from such Affections so known and so
‘ try’d as yours, he doth yet expect far
‘ greater Things then these.

‘ H E doth expect that you should do
‘ your Endeavours to restore and improve
‘ the mutual Confidence between Him and
‘ His People ; and that you should do it to
‘ such a Degree, that it may recover its full
‘ Strength, and quite extinguish all their
‘ Fears and Jealousies.

‘ F O R the King takes Notice, that the
‘ Malice of His Enemies hath been very
‘ Active in sowing so many Tares, as are
‘ almost enough to spoil that Harvest of
‘ Love and Duty, which His Majesty may
‘ justly expect to reap from the good Seed
‘ which He Himself had sown.

‘ A M O N G the many venomous Insi-
‘ nuations which have been made use of, the
‘ Fears and Jealousies of Religion and Li-
‘ berty are of the worst Sort, and the most
‘ dangerous Impressions.

‘ C E R T A I N L Y Malice was never
‘ more busie than it hath been in these Re-
‘ ports,

ports, and it hath been assisted by a great deal of Invention.

BUT 'tis to be hoped, that no Man's Judgment or Affections will be either misled or disturbed by such Reports.

FOR Calumnies and Slanders of this Nature are like Comets in the Air, they may seem perhaps, especially to the Fearful, to be ill Prognosticks, and the direct Forerunners of Mischief; but in themselves they are vain Apparitions, and have no kind of Solidity, no Permanence or Duration at all. For after a little while the Vapour spends it self, and then the base Exhalation quickly falls back again into that Earth from whence it came.

RELIGION and Liberty stand secured by the most Sacred Ties that are; nay, the King hath a greater Interest in the Preservation of both, than you yourselves: For as Religion, the Protestant Religion, commands your indispensable Obedience; so 'tis a just and lawful Liberty which sweetens that Command, and endears it to you.

LET other Princes therefore glory in the most resign'd Obedience of their Vassals; His Majesty values Himself upon the Hearts and Affections of His People, and thinks His Throne, when seated there, better Established than the most exalted Sovereignty of those who tread upon the Necks of them that rise up against them.

SINCE the World stood, never any King had so great a Cause to rest upon this Security.

THEY

‘ THEY were your Hearts that mourned
‘ in Secret for the Absence of the King :
‘ They were your Hearts and Affections to
‘ the King which tir’d out all the late Usurpa-
‘ tions, by your invincible Patience and For-
‘ titude : It was you that taught our *English*
‘ World to see and know, that no Govern-
‘ ment could be settled here, but upon the
‘ true Foundations of *Honour and Allegiance*.

‘ THIS, This alone, made Way for all
‘ the happy Changes which have follow’d.

‘ AND yet Posterity will have Cause
‘ to doubt which was the greater Felicity
‘ of the Two ; That Providence which re-
‘ stor’d the Crown, or that which sent us
‘ such a Parliament to preserve it when it
‘ was restor’d. What may not the King now
‘ hope from you ? What may not you assure
‘ your selves from him ? Can any Thing be
‘ difficult to Hearts so united, to Interests so
‘ twisted and interwoven together, as the
‘ King’s and yours are ?

‘ DOUBTLESS the King will surpass
‘ Himself at this time, in endeavouring to
‘ procure the Good of the Kingdom ; do but
‘ you Excel your selves too in the continued
‘ Evidences of your Affections, and then the
‘ Glory of Reviving this State will be en-
‘ tirely due to this Session.

‘ THEN they, who wait for the Lan-
‘ guishing and the Declination of the present
‘ Government, will be amaz’d to see so hap-
‘ py a Crisis, so blest a Revolution.

‘ AND Ages to come will find Cause to
‘ celebrate your Memories, as the truest
‘ Physicians, the wisest Councillors, the no-
‘ blest Patriots, and the best Session of the
‘ best Parliament that ever King or Kingdom
‘ met with.

THE

II.

S P E E C H of the Lord Keeper *Finch*,
made *April 13. 1675.*

*My Lords, and you the Knights, Citizens and
Burgesses of the House of Commons,*

‘ T H E Solemnity of this Days Appear-
‘ rance is equal to the Weight and Im-
‘ portance of the Occasion: The Matters to
‘ be treated of, deserve no less than an As-
‘ sembly of the Three Estates, and a full
‘ Concourse of all the wise and excellent
‘ Persons who bear a Part in this great
‘ Council, and do constitute and compleat
‘ this High and Honourable Court.

‘ T H E King hath called you at this
‘ time, to examine, and concur with him,
‘ in the best Expedients, for the Preserva-
‘ tion of the Protestant Religion; for secu-
‘ ring the Establishment of it by a due Exe-
‘ cution of the Laws; for providing for the
‘ Safety of the Kingdom; and for the Im-
‘ provement of its Honour and Reputation.
‘ And withal, in order to these Ends, and
‘ above all the rest, to unite the Hearts of
‘ his Parliament and People to himself, by
‘ all the Emanations of Grace and Goodness
‘ that from a great and generous Prince
‘ can be expected.

‘ T O all which the King is pleased to
‘ add, the Consideration of your Liberties
‘ and Properties; and while he does so, you
‘ may be sure that he, who is so careful of
‘ your Rights, will be mindful of his own
‘ too: For he that does Justice to all, can
‘ never be wanting to himself.

‘ T H E S E Points are such, as though
‘ they be but mentioned by the King, though
‘ they are but only touched, as I may say,
‘ by

‘ by his golden Scepter; yet this Royal Declaration of himself, joined to what he
‘ hath already done, doth not only raise all
‘ our Hopes, but carries in it self so evident
‘ an Assurance, and is stamped by so Sacred
‘ an Authority, that there remains no Place
‘ for doubting, Nothing can be added to the
‘ Efficacy of it.

‘ HIS Majesty begins with the Consideration of Religion, he sees it is the first
‘ Thing in all your Thoughts, and you cannot but see that it hath been, and still is,
‘ the first and principal Part of his Care.

‘ HIS Majesty hath considered Religion, first in general, as it is Protestant, and
‘ stands in Opposition to Popery: And upon this Account it is, that he hath awakened all the Laws against the Papists:
‘ There is not one Statute extant in all the Volume of our Laws, but his Majesty hath
‘ now put it in a Way of taking its full Course against them. And upon this Account also it is, that in a League lately renewed with a Protestant Crown, his Majesty hath made it one Article of that
‘ League, That there shall be a mutual Defence of the Protestant Religion.

‘ , HIS Majesty hath considered Religion again more particularly, as it is the Protestant Religion established by Law in the
‘ Church of *England*; he sees, that as such, it is not only best suited to the *Monarchy*,
‘ and most likely to defend it, but most able to defend itself against the Enemies of all
‘ Reformation: And therefore upon this Account it is that his Majesty, with equal
‘ and impartial Justice, hath revived all the Laws against Dissenters and Nonconformists;
‘

' mists; but not with equal Severity: For the
 ' Laws against the Papists are edged, and the
 ' Execution of them quicken'd by new Re-
 ' wards propos'd to the Informers: Those
 ' against Dissenters, are left to that Strength
 ' which they have already. Both these and
 ' all other Laws whatsoever, are always un-
 ' derstood to be subject to the Pleasure of a
 ' Parliament, which may alter, amend or ex-
 ' plain them as they see Cause, and accor-
 ' ding unto Publick Convenience.

' F O R when we consider Religion in
 ' Parliament, we are suppos'd to consider it
 ' as a Parliament should do, and as Parlia-
 ' ments in all Ages have done; that is, As it
 ' is a Part of our Laws, a Part, and a Ne-
 ' cessary Part, of our Government. For as it
 ' works upon the Conscience, as it is an in-
 ' ward Principle of the Divine Life by
 ' which good Men do govern all their
 ' Actions, the State hath nothing to do with
 ' it; 'tis a Thing which belongs to another
 ' Kind of Commission than that by which
 ' we sit here.

' N O W as it relates to Government, 'tis
 ' somewhat an unpleasant Observation, to
 ' see how slow many inferior Magistrates are
 ' in the Discharge of this Part of their Du-
 ' ty, which refers to the Safety of the Church
 ' against the Enemies on both Sides of it, the
 ' Papists, and the Dissenters: For this is
 ' that which opens Mens Mouths to object
 ' against the Laws themselves: This is that
 ' which encourages Offenders to dispute
 ' that Authority which they should obey,
 ' and to judge those Laws by which they
 ' ought to be judged. They have found a
 ' Way to make even Justice it self Criminal,
 ' by

by giving it a hard Name, and calling it Persecution.

‘ T O what a strange Kind of Perplexity do Men labour to reduce this Government! If the Laws against Recusants be not executed, the Church of *England* is abandoned; if they be, all Sorts of Recusants complain of Persecution; as if the Abandoning of the Church of *England* were not in some Sense a Persecution too.

‘ L E T us suppose that Possible, which the Piety and Goodness of the King hath made next to Impossible; but let it be for once supposed, That the Church of *England* were forsaken, Her Authority made insignificant, Her Government precarious, suppose her disarmed of all those Laws by which she is guarded, denied all Aid from the Civil Magistrate, and that none were obliged to obey her Commands but those that have a mind to it: Would not this turn a National Church into nothing else but a tolerated Sect or Party in the Nation? Would it not take away all Appearance of Establishment from it? Would it not drive the Church into the Wilderness again, where she should be sure to find herself encompassed with all Sorts of Enemies, if at least she could find herself at all in the midst of so many Tolerations.

‘ S E E I N G then no Way can be taken, but one Side or other will either call or think it Persecution; the Choice is not difficult, ’tis better to have a strict Rule than none at all, better to make the Law that Rule, than to leave every Man to be a Law and a Rule unto himself.

‘ H A P P Y

‘ H A P P Y is that Government where
 ‘ the Men complain of the strict Execution
 ‘ of the Laws, especially when a Parliament
 ‘ is sitting, which can take the truest Mea-
 ‘ sures, and where the Wisdom of the Na-
 ‘ tion is to judge of the Interest of it.

‘ In the next Place, the King hath thought
 ‘ fit to direct your Considerations upon the
 ‘ Safety and Honour of the State, both
 ‘ which are then best provided for when we
 ‘ keep up the Strength and Reputation of
 ‘ our Fleet.

‘ S O the *Roman* State thought, when (as
 ‘ the Orator tells us) they decreed *Non solum*
 ‘ *Præsidii, sed etiam ornandi Imperii Causâ* *Navi-*
 ‘ *gandum esse.*

‘ ’T I S not altogether the Natural Decay
 ‘ of Shipping, no nor the Accidents of War,
 ‘ that have lessen’d our Fleet, tho’ Something
 ‘ may be attributed to both these. But our
 ‘ Fleet seems rather to be weaken’d for the
 ‘ Present, by being out-grown and out-
 ‘ built by our Neighbours.

‘ N O W as the Times of Youth and
 ‘ Health are best employed in providing a-
 ‘ gainst the Incommodities and Inconvenien-
 ‘ cies of Sicknefs and old Age; so there can-
 ‘ not be a better Use made of Times of Peace,
 ‘ than to provide for Times of War; there
 ‘ cannot be a greater Security against your
 ‘ Enemies, than to be always in a Posture
 ‘ ready to receive them.

‘ F L E E T S may secure you abroad,
 ‘ but good Laws are necessary to secure you
 ‘ at home. Nothing recommends the pre-
 ‘ sent Age unto Posterity so much, as the
 ‘ Wisdom and the Temper of the Laws that
 ‘ are made in it, for all succeeding Ages
 ‘ judge

judge of our Laws, as we do of our Ancestors, by the true and unerring Rule of Experience.

IN making of Laws therefore it will import us to consider, That too many Laws are a Snare, too few are a Weakness in the Government, too gentle are seldom obeyed, too severe are as seldom executed; and Sanguinary Laws are, for the most part, either the Cause or the Effect of a Distemper in the State.

TO establish this State, there seems not to need many new Laws, some will always be wanting; and though all that is wanting should not now be finished, yet whatever shall remain unfinished, may be perfected in Winter, at which time, we have a gracious Intimation from his Majesty, that we shall meet again.

BUT least your greater and weightier Affairs should make you pass by Things of lesser Moment, it may not be amiss to put you in mind to provide against the Excess of new Buildings near *London* and *Westminster*. 'Tis a growing Mischief, which nothing but a new Law can put a Stop too; a Mischief, which for a long time hath depopulated the Country, and now begins to depopulate the City too, by leaving a great Part of it uninhabited.

YET that you may not only entertain your selves with careful and provident Thoughts for the future, be pleased a little to consider and rejoice in the Happiness of our present Estate.

IF we look upon the State of Things abroad, we shall find our selves in such Circumstances, that it were great Impiety

‘ not to acknowledge those Mercies which
 ‘ by a rare Felicity have distinguished us
 ‘ from our now miserable Neighbours.

‘ W A R S and Confusions cover the
 ‘ Face of the rest of the Christian World,
 ‘ while we have no other Part in all these
 ‘ Afflictions but that of a Christian Com-
 ‘ passion.

‘ W E are newly gotten out of an expen-
 ‘ sive War, and gotten out of it upon Terms
 ‘ more honourable than ever, the whole
 ‘ World is now in Peace with us, all Ports
 ‘ are open to us, and we exercise a free and
 ‘ uninterrupted Traffick through the Ocean.
 ‘ And we are reaping the Fruits of all this
 ‘ Peace by a daily Improvement of our
 ‘ Trade, and in the Increase of our Ship-
 ‘ ping and Navigation.

‘ O U R Constitution seems to be so vi-
 ‘ gorous and so strong, that nothing can
 ‘ disorder it but our Selves.

‘ N O Influences of the Stars, no Configu-
 ‘ rations of the Heavens, are to be feared,
 ‘ so long as these Two Houses stand in a
 ‘ good Disposition to each other, and both
 ‘ of them in a happy Conjunction with their
 ‘ Lord and Sovereign.

‘ W H Y should we doubt it? Never was
 ‘ Discord more unseasonable.

‘ A D I F F E R E N C E in Matters of
 ‘ the Church would gratify the Enemies of
 ‘ our Religion, and do them more Service
 ‘ than the best of their Auxiliaries.

‘ A D I F F E R E N C E in Matters of
 ‘ State would gratify our Enemies too, the
 ‘ Enemies of our Peace, the Enemies of this
 ‘ Parliament, even all those, both at home
 ‘ and abroad, that hope to see, and practise
 ‘ to

to bring about new Changes and Revolutions in the Government.

THEY understand well enough, that the best Health may be destroyed by too much Care of it: An anxious scrupulous Care; a Care that is always tampering; a Care that labours so long to purge all ill Humours out of the Body, that at last it leaves neither good Blood nor Spirits behind.

IN like manner there are Two Symptoms which are dangerous in every State, and of which the Historian hath long since given us Warning.

ONE is, when Men do *Quieta movere*, when they stir those Things or Questions which are, and ought to be, in Peace; and, like unskilful Architects, think to mend the Building, by removing all the Materials which are not placed as they would have them.

ANOTHER is, *Cum res parvæ magnis motibus aguntur*, when Things that are not of the greatest Moment are agitated with the greatest Heat, and as much Weight is laid upon a new, and not always very necessary Proposition, as if the whole Sum of Affairs depended upon it.

WHO doth not see that there are in all Governments Difficulties more than enough, though they meet with no intestine Divisions; Difficulties of such a Nature, that the united Endeavours of the State can hardly struggle with: But after all is done that can be, they will still remain insuperable?

THIS is that which makes the Crowns of Princes, when they are worn by the clearest and the noblest Title, and supported

‘ted by the mightiest Aids, yet at the best
 ‘but Wreaths of glorious Thorns. He that
 ‘would go about to add to the Cares and
 ‘Solicitudes of his Prince, does what in
 ‘him lies to make those Thorns pierce deeper,
 ‘and sit closer to the Royal Diadem, than
 ‘ever they did before.

‘N O Zeal can excuse it; for as there
 ‘may be a Religious Zeal, a Zeal for God,
 ‘which is not according to Knowledge; so
 ‘there may be a State Zeal, a Zeal for the
 ‘Publick, which is not according to Pru-
 ‘dence, at least not according to that De-
 ‘gree of Prudence which the same Men
 ‘have when they are not under the Trans-
 ‘port of such a fervent Passion.

‘H A T H it not been a strange Mistake
 ‘in some General Councils; and a Mistake,
 ‘which is fatal at this Day to the Peace of
 ‘the Christian Church, that in most of their
 ‘Canons and Sanctions they have more con-
 ‘sider’d whom they should oppose, than what
 ‘they should establish?

‘A N D may it not prove a Piece of as
 ‘ill Conduct in any Secular Assembly to
 ‘pursue good Ends by violent Means, and in
 ‘the Heat of that Pursuit to choose rather
 ‘to lose that Good they might have com-
 ‘passed, than to fall short of any of those
 ‘good Ends which they have once propos’d
 ‘unto themselves.

MY Lords and Gentlemen,

‘THE King is far, infinitely far, from
 ‘fearing any Excess of this Kind here: He
 ‘knows too well the Wisdom, the Honour,
 ‘and the Loyalty, of this great Assembly, to
 ‘appre-

‘ apprehend any kind of Error, either in
‘ your Judgments or your Affections.

‘ H E does not only find Himself safe,
‘ but He thinks Himself arm’d too, while He
‘ is attended with such a Nobility, such a
‘ Gentry, as this.

‘ Y O U that were able to raise the
‘ King’s Affairs when they were in their
‘ lowest and most deplor’d Condition, will
‘ surely be able to keep them from any Re-
‘ lapse.

‘ Y O U that were able to make this Go-
‘ vernment take Root again, will surely be
‘ able to preserve it in a growing and a
‘ flourishing Estate.

‘ S U C H Pilots need not fear a Storm.

‘ I F you could, this Consideration alone
‘ were enough to support you, That you car-
‘ ry *Cæsar* and his Fortunes: You serve a
‘ Prince, in whose Preservation Miracles are
‘ become familiar; a Prince, in whose Stile
‘ *Dei Gratiâ* seems not to be written by a vul-
‘ gar Pen, but by the Arm of Omnipotence
‘ it self.

‘ R A I S E up then, by your Example,
‘ the Hearts and Hopes of all those whom ill
‘ Men have wrought upon to such a Degree,
‘ as to cast them into a Sadness, and into a
‘ Despondency, which is most unreason-
‘ able.

‘ W H A T the *Romans* scorn’d to do after
‘ the Battle of *Cannæ*, what the *Venetians*
‘ never did when they had lost all their *Terra*
‘ *Firma*, That Men are now taught to think
‘ a Virtue, and the Sign of a wise and good
‘ Man *Desperare de Republicâ*.

‘ A N D all this in a Time of as much Ju-
‘ stice and Peace at Home, as good Laws

‘ for the Security of Religion and Liberty,
 ‘ as Good Execution of these Laws, as great
 ‘ Plenty of Trade and Commerce Abroad,
 ‘ and as likely a Conjunction of Affairs for
 ‘ the Continuance of these Blessings to us,
 ‘ as ever Nation prospered under.

‘ CONFIRM the Faith then of those
 ‘ that are made weak, by shewing them the
 ‘ Faith of your Belief: Give the King the
 ‘ Hearts of all His Subjects, by making Him
 ‘ a Present of yours.

‘ THEN will the King esteem Himself
 ‘ a richer Prince, than if He were possess’d
 ‘ of all the Treasures of the East.

‘ THEN though this Session should
 ‘ close in a few Weeks, yet it may be perpe-
 ‘ tual for the Fruit it shall produce, and for
 ‘ the Commemoration that will follow it.

‘ THEN will this Year be a true Year
 ‘ of Jubilee; and we shall have nothing left
 ‘ to wish or pray for in this World, but the
 ‘ blessed Continuance of His Majesty’s long
 ‘ and happy Reign over us.

THE Parliament having sat now about
 15 Years, and a great many, especially in
 the House of Lords, thinking so long a Con-
 tinuance to be a Grievance; and having fail’d
 to procure a Majority to promote an Address
 to the King, for the dissolving that Parlia-
 ment in 1675. they entred their Protestation
 upon it in the Journals of the House, as fol-
 lows; and the Earl of *Shaftsbury* being the
 great Promoter of the same, it comes in
 properly enough in this Appendix.

‘ WE

WE whose Names are underwritten,
Peers of this Realm, having proposed, that an humble Address might be made to His Majesty from this House, That He would be graciously pleased to Dissolve this Parliament: And the House having carried the Vote in the Negative for the Justification of our Loyal Intentions towards His Majesty's Service, and of a true Respect and Deference to this honourable House: And to shew that we had no sinister and indirect Ends in this our humble Proposals; Do, with all Humility, herein set forth the Grounds and Reasons why we were of Opinion that the said humble Address should have been made.

I. WE do humbly conceive, That it's according to the Ancient Laws and Statutes of this Realm, that there should be frequent and new Parliaments, and that the Practice of several Hundred Years have been accordingly.

II. IT seems not reasonable, that any particular Number of Men should so many Years ingross so great a Trust of the People as to be their Representatives in the House of Commons, and that all other the Gentry, and the Members of Corporations, of the same Degree and Quality with them, should be so long excluded: Neither, as we humbly conceive, is it advantagious to the Government, That the Counties, Cities and Boroughs, should be confined for so long a Time to such Members as they have once chosen to serve for them, the mutual Correspondence and Interest of those who choose, and are chosen,

‘ chosen, admitting of great Variations
 ‘ in length of Time.

‘ III. THE long Continuance of such as
 ‘ are intrusted for others, and who have
 ‘ so great a Power over the Purfes of
 ‘ the Nation, must, in our humble Opi-
 ‘ nion, naturally endanger the produ-
 ‘ cing of Factions and Parties, and the
 ‘ carrying on of particular Interests and
 ‘ Designs, rather than the Publick Good.

‘ AND we are now confirmed in our Ad-
 ‘ dress, by reason of this unhappy Breach
 ‘ fallen out betwixt the Two Houses, of
 ‘ which the House of Peers have not gi-
 ‘ ven the least Occasion, they having
 ‘ done nothing but what their Ancestors
 ‘ and Predecessors have in all Times
 ‘ done, and what is according to their
 ‘ Duty, and for the Interest of the Peo-
 ‘ ple that they should do ; which not-
 ‘ withstanding, the House of Commons
 ‘ have proceeded in such an unprece-
 ‘ dented and extraordinary Way, that it’s
 ‘ in our humble Opinion become alto-
 ‘ gether Unpracticable, for the Two
 ‘ Houses (as the Case stands) jointly to
 ‘ pursue those great and good Ends for
 ‘ which they are called.

‘ FOR those Reasons, we do enter this our
 ‘ Protestation against, and dissent unto, the
 ‘ said Vote.

Duke of Bucks.	Berks,	Lords Sands,
Mar. Winchester.	Clarendon,	Wharton,
Earls of Dorset.	Shaftsbury.	Peters,
Salisbury,	Vis. Faulcon-	Mobun,
Bridgewater,	bridge,	Delamere,
Westmorland,	Hallifax,	Townesend,
Chesterfield,	Yarmouth,	Gray of Rolston.
Stamford,	Newport,	THE

THE Speech of the Lord Keeper *Finch*,
in Parliament, *Octob.* 13. 1675.

*My Lords, and you the Knights, Citizens, and
Burgesses of the House of Commons,*

‘ THE Causes of this present Assembly,
‘ and the Reasons which have mov’d
‘ his Majesty to Command your Attendance
‘ upon him at this Time, are of the highest
‘ Importance.

‘ THE King resolves to enter into Terms
‘ of strictest Correspondence and Endearment
‘ with his Parliament, to take your Counsel
‘ in his most weighty Affairs, to impart all
‘ his Cares to you, to acquaint you with all
‘ his Wants and Necessities, to offer you all
‘ that can yet be wanting to make you enjoy
‘ your selves, to establish a right Under-
‘ standing between himself and his Three
‘ Estates, and between the Estates themselves,
‘ to redress all your just Complaints, and to
‘ put all his Subjects at Ease as far as in him
‘ lies, and can consist with the Honour and
‘ the Safety of the Government.

‘ AND having made all these Advances
‘ towards you, he doubts not but you will
‘ behave your selves like those that deserve
‘ to be called the King’s Friends, and that
‘ you will put him at Ease too.

‘ THERE is no Cause why any Fears of
‘ Religion or Liberty should divert you.

‘ FOR His Majesty hath so often re-
‘ commended to you the Considerations of
‘ Religion, so very often desir’d you to assist
‘ him in his Care and Protection of it, that
‘ the Defender of the Faith is become the Ad-
‘ vocate for it too, and hath left all those
‘ without

‘ without Excuse who still remain under any
 ‘ kind of Doubts or Fears.

‘ A G A I N, The Care of your Civil
 ‘ Rights and Liberties hath been so much his
 ‘ Majesty’s, that the more you Reflect upon
 ‘ these Concerns, the more you will find
 ‘ your selves oblig’d to acknowledge his Ma-
 ‘ jesty’s Tendernefs of you, and Indulgence
 ‘ to you.

‘ S E A R C H your own Annals, the An-
 ‘ nals of those Times you account most hap-
 ‘ py, you will scarce find one Year without
 ‘ an Example of something more Severe, and
 ‘ more Extraordinary, than a whole Reign
 ‘ hath yet produced.

‘ P E R U S E the Histories of Foreign
 ‘ Nations, and you shall find Statues and
 ‘ Altars too have been erected to the Memo-
 ‘ ries of those Princes, whose best Virtues
 ‘ never arriv’d to half that Moderation
 ‘ which we live to see, and to enjoy.

‘ N O King did ever meet a Parliament
 ‘ with juster Cause of Confidence in their
 ‘ Affections.

‘ A N D therefore his Majesty will not suf-
 ‘ fer himself to doubt, but relies firmly upon
 ‘ it that will never forsake him, when he is
 ‘ under any kind of Difficulties. He doth
 ‘ assure himself, that you will now think fit
 ‘ to provide for his Honour and your own
 ‘ Safety, by helping him to pay some part
 ‘ of his Debts, and to make his Navy as
 ‘ great and as considerable as it ought to be.

‘ F O R the Greatness of a King, is the
 ‘ Greatness and the Safety of his People.
 ‘ The Springs and Rivers which pay Tribute
 ‘ to the Ocean, do not lessen, but preserve
 ‘ themselves by that Contribution.

‘IT is impossible that those Affections
‘which Piety and Allegiance first planted,
‘which Persecution could not abate, which
‘the Gracious Influences of his Majesty’s
‘happy Government have hitherto encrea-
‘sed, should now appear to wither and
‘decay.

‘BUT then the best Indication of the
‘Heart is by the Hand. And because it is
‘of infinite Moment to the King’s Affairs,
‘that there should be a chearful Concurrence
‘to his Supply : Therefore let Hand and
‘Heart both joyn together in the Oblation,
‘for that will make it a Sacrifice well plea-
‘sing indeed.

My Lords and Gentlemen,

‘THE Happiness of this present Age,
‘and the Fate and Fortune of the next too,
‘is very much in your Hands, and at this
‘Time ; all that you would desire to settle
‘and improve, all that you would wish to
‘secure and transmit to your Posterities,
‘may now be accomplished.

‘WOULD you raise the due Estima-
‘tion and Reverence of the Church of *Eng-*
‘*land* to its just Height ? Would you provide
‘for the Safety and Establishment of it ?

‘DO there want any Laws to secure the
‘Peace and Quiet of the State ?

‘WOULD you at once enrich and
‘adorn this Kingdom, by providing for the
‘Extent and Improvement of Trade, by in-
‘troducing new and useful Manufactures,
‘and by encouraging those we have already ?

‘WOULD you prevent all Frauds and
‘Perjuries, all Delays and Abuses in the Ad-
‘ministration of Justice ?

‘WOULD

‘ WOULD you preserve a famous City
 ‘ from being depopulated by the Suburbs?
 ‘ Would you restrain the Excess of those
 ‘ New Buildings which begin to swarm with
 ‘ Inhabitants unknown?

‘ ALL your Petitions of this Kind will
 ‘ be Grateful to the King, and you may
 ‘ with Ease effect all this, and much more,
 ‘ which your Great Wifdoms will suggest to
 ‘ you. A little Time will serve to make ma-
 ‘ ny excellent Laws, and to give you the
 ‘ Honour of being the Repairers of all our
 ‘ Breaches; so as that Time be wholly em-
 ‘ ploy’d upon the Publick, and not taken up
 ‘ by such Considerations as are less Merito-
 ‘ rious.

‘ IF therefore there be any without Doors
 ‘ that labour to disunite your Counfels, or to
 ‘ render them ineffectual; if they can hope
 ‘ that the Occasions for this may arise from
 ‘ some Differences within your selves, or
 ‘ hope by those Differences to disguise their
 ‘ own Disaffections to your good Proceed-
 ‘ ings: ’Tis in your Power to defeat those
 ‘ Hopes, to pull off this Disguise, and to se-
 ‘ cure a happy Conclusion of this Meeting,
 ‘ by studying to preserve a good Corre-
 ‘ spondence, and by a careful avoiding
 ‘ of all such Questions as are apt to engender
 ‘ Strife.

‘ AND if ever there were a Time, when
 ‘ the Gravity and the Counsel, the Wisdom
 ‘ and the good Temper of a Parliament,
 ‘ were necessary to support that Government
 ‘ which only can support these Assemblies,
 ‘ certainly this is the Hour.

‘ YOU see with what Zeal the King
 ‘ hath recommended to you a good Agree-
 ‘ ment

ment between your Selves, and that he doth it with all the Care and Compassion, all the Earnestness and Importunity, fit for so Great a Prince to express, who would be very sorry that any such Misfortune as your Disagreement, should either deprive him of your Advice and Assistance, or his People of those good Laws which he is ready to grant you.

THERE is no other Way our Enemies can think of, by which 'tis possible for this Session to miscarry; for Fears and Jealousies cannot enter here, Calumnies and Slanders will find no Place amongst wise and good Men.

THEY that use these Arts abroad, will quickly be discredited, when the World shall see the generous Effects of your Confidence. Men will despair of attempting any Disturbance in the State, when they see every Step that tends that way, serves only to give you fresh Occasions to testify your Loyalty and your Zeal.

YOU have all the Reason in the World to make Men see this; for you have the same Monarchy to assert, the same Church to defend, the same Interests of Nobility and Gentry to maintain, the same Excellent King to contend for, and the same Enemies to contend against.

And now, *My Lords and Gentlemen,*

SINCE the whole Session of Parliament is in the Judgment and Construction of our Law but as one Day, let us all endeavour that the Morning of it, the first Entrance upon it, may be with such fair and such auspicious Circumstances, as may
give

‘ give the whole Kingdom an Assurance of
 ‘ a bright and cheerful Day.

‘ LET no ill Humours gather into Clouds
 ‘ to darken or obscure it, for this Day is a
 ‘ Critical Day, and more depends upon that
 ‘ Judgment of our Affairs which will be made
 ‘ by it, than can easily be imagin’d.

‘ IT imports us therefore to take Care,
 ‘ that no part of this Time be lost; let every
 ‘ precious Minute of this Day be spent in re-
 ‘ ceiving such Acts of Grace and Goodness
 ‘ as are ready to flow from the King, and in
 ‘ making such Retributions for them, as may
 ‘ become the Grateful Hearts of the Best of
 ‘ Subjects to the Best of Kings.

‘ SO shall this Day become a Day of Dis-
 ‘ appointment and Discomfort to our Ene-
 ‘ mies; but to us, and all good Men, a Glo-
 ‘ rious Day, a Day of Triumph and Delive-
 ‘ rance, a memorable and a joyful Day to
 ‘ this present and to all future Generations.

ANOTHER Speech of the Lord *Finch*,
 now made Lord Chancellor, on the 15th of
February 1674.

*My Lords, and you the Knights, Citizens and
 Burgesses of the House of Commons,*

‘ BY the most Gracious Pleasure of the
 ‘ King, you are here again Assembled
 ‘ to hold another Session of this Parliament,
 ‘ wherein the King expects your Advice, and
 ‘ your Assistance; your Advice in Matters
 ‘ of the highest Deliberation, your Assistance
 ‘ in Matters of extream and pressing Diffi-
 ‘ culty.

‘ YOUR Deliberations will chiefly be
 ‘ exercised about those Things which do be-
 ‘ long unto your Peace; The Peace of the
 ‘ Church,

‘ Church, and the Peace of the State; Two
 ‘ Considerations of so close a Connexion be-
 ‘ tween themselves, that in the very Origi-
 ‘ nal Writ of Summons, by Virtue of which
 ‘ you sit here, they are jointly Recom-
 ‘ mended to your Counsel and your Care.

‘ THE Peace of the Church is harder to
 ‘ preserve, than the Peace of the State; for
 ‘ they who desire Innovations in the State,
 ‘ most commonly begin the Attempt upon
 ‘ the Church.

‘ AND by this Means it comes to pass,
 ‘ That the Peace of the Church is so often
 ‘ disturb’d, not only by those poor mista-
 ‘ ken Souls who deserve to be pity’d, but
 ‘ by malicious and designing Men, who de-
 ‘ serve to be punish’d. And while Things
 ‘ continue in this Estate, it cannot be avoi-
 ‘ ded but that the Laws, which are necessa-
 ‘ ry to restrain the Malicious, must and will
 ‘ sometimes disquiet and wound those that
 ‘ are Weak.

‘ WHAT Remedies are fit for this Di-
 ‘ sease, whether the Fault be in the Laws,
 ‘ or in the Men; in the Men that should
 ‘ Obey, or in the Men that should Execute;
 ‘ whether the Cure be a Work of Time and
 ‘ Patience, or of Zeal and Diligence; or
 ‘ whether any new Expedient can be found
 ‘ to secure the Ship from that Storm which
 ‘ the swelling of Two contrary Tides seems
 ‘ to threaten, is wholly left to your Advice.
 ‘ The King hath call’d you for that End,
 ‘ and doubts not but your Counsels will
 ‘ be such as shall tend to Safety, and to Esta-
 ‘ blishment.

‘ THE Peace of the State requires as
 ‘ much of your Care and Vigilance too;
 ‘ Our

‘ Our Peace at home, and Our Peace a-
‘ broad.

‘ A S for that abroad, We are at this
‘ Time, blessed be God for his Mercy to us,
‘ and blessed be the King for his Care of us,
‘ in perfect Peace with all the Nations upon
‘ Earth : Such a Peace, as makes us the En-
‘ vy of the Christian World, and hath en-
‘ abled us to do our selves Right against the
‘ Infidels : Such a Peace, as brings with it all
‘ the Fruits of Peace, and deserves not only
‘ our Prayers for the Continuance of it, but
‘ our best and most watchful Care, that no-
‘ thing may be done on our Part to give it
‘ an Interruption.

‘ B U T then we must consider again, that
‘ our Peace abroad will not subsist any longer
‘ than while we do maintain our Peace at
‘ home ; for without this, no Kingdom can
‘ be able to act in its full Strength, and
‘ without that, the Friendship or Enmity of
‘ any Nation ceases to be considerable to its
‘ Neighbours.

‘ N O W ’tis a great and a dangerous Mi-
‘ stake in those, who think the Peace at
‘ home is well enough preserv’d, so long as
‘ the Sword is not drawn ; whereas in Truth
‘ nothing deserves the Name of Peace, but
‘ Unity.

‘ S U C H an Unity, as flows from an
‘ unshaken Trust and Confidence between
‘ the King and his People, from a due Re-
‘ verence and Obedience to his Laws, and
‘ to his Government, from a religious and
‘ awful Care, not to remove the ancient
‘ Landmarks, not to disturb those Constitu-
‘ tions which Time and Publick Conveni-
‘ ence hath settled, from a Zeal to preserve
‘ the

‘ the whole Frame and Order of the Govern-
 ‘ ment upon the old Foundations, and from a
 ‘ perfect Detestation and Abhorrency of all
 ‘ such as are given to Change. Whatever
 ‘ falls short of this, falls short of Peace too.

‘ I F therefore there be any Endeavours to
 ‘ renew, nay if there be not all the Endeavours that can be, to extinguish the Memory of all former Provocations and Offences, and the Occasions of the like for the future; If there be such Divisions as beget great Thoughts of Heart, Shall we call this Peace, because it is not War, or because Men do not yet take the Field? As well we may call it Health, when there is a dangerous Fermentation in the Blood and Spirits, because the Patient hath not yet taken his Bed.

‘ A N D yet, as evident as it is, that all we have or hope for depends upon the Preservation of our Peace and Unity at home, as certain as it is that no Care to preserve it will be wanting here; nevertheless it remains still to be wish’d, that even this very Point were no part of those Difficulties we are now to struggle with.

‘ F O R there are many more which without your Aid and your Assistance can never be overcome.

‘ O N E is the Weakness of our Fleet; For Strength and Weakness can no otherwise be judg’d of than by Comparison: And by this Measure we may truly judge our Fleet to be less considerable than it was, because ours stands at a Stay, while our Neighbours round about us are improv’d.

‘ T H I S is an Affair wherein no Time should be lost, because, whenever we set about it, it will take up some considerable Time before it can be finish’d.

H h

‘ A N O.

' A N O T H E R Weight there is, which
 ' lies very heavy upon the Revenue, and
 ' that is the Debts which encumber it: Ju-
 ' stice and Honour oblige the King not to
 ' forsake those who have assisted him with
 ' their Estates in the Defence of the Publick.
 ' And although the necessary Issues of his
 ' Revenue, in the many new and chargea-
 ' ble Emergencies of State, did for a while
 ' postpone their Satisfaction, yet his Majesty
 ' hath now gone very far in it, and hath
 ' provided for the Security and Payment of
 ' an immense Sum, with such Difficulties,
 ' as none but a just and generous Prince
 ' would ever have undergone.

' A N D now should the rest of his Re-
 ' venue fail, or fail to be unloaden in some
 ' Degree, the Inconvenience to the Publick,
 ' and the Insecurity of all our Affairs, would
 ' quickly be too manifest.

' O N E Difficulty more there is, with-
 ' out which, all the rest were none; and that
 ' is, the strange Diffidence and Distrust
 ' which, like a general Infection, begins to
 ' spread it self into almost all the Corners
 ' of the Land.

' M U C H of this rises from the Artifice
 ' of ill Men, who create and nourish all the
 ' Suspitions which they can devise; but the
 ' Cure of it lies perfectly in your Hands, for
 ' all this will presently vanish, as soon as
 ' Men shall see your Acquiescence, and the
 ' Fruits of it, in a chearful Concurrence with
 ' his Majesty to all those good and publick
 ' Ends which he hath now so earnestly re-
 ' commended to you.

' I T would be somewhat strange, and
 ' without all Example in Story, that a Na-
 ' tion

tion should be twice ruined, twice undone, by the self-same Way and Means, the same *Fears* and *Jealousies*.

‘ W I L L any Man that doth but give himself leave to think, refuse to enjoy and take Comfort in the Blessings that are present, only for fear of future Changes and Alterations ?

‘ S U R E L Y ’tis enough for any Kingdom, and more than most Kingdoms in the World can boast of, to have their Affairs brought into such a Condition, that they may, in all human Probability, and unless it be their own Default, continue for a long time safe and happy.

‘ F U T U R E Contingencies are not capable of any certain Prospect: A Security beyond that of human Probability, no Nation ever did, or ever shall attain to.

‘ I F a Kingdom be guarded by Nature against all Dangers from without, and then will rely too much upon what Nature hath done for them ; If a Kingdom be warned and cautioned against all Dangers from within by former Experiencies, and then will either forget, or make no Use of those Experiencies ; If a Kingdom be powerful in Shipping and Navigation, and then see their Neighbours endeavouring to over-power them that Way, without being solicitous enough to augment and encrease their own Naval Strength ; If a Kingdom be happy in the frequent Assemblies of their great Councils, where all that is grievous may be redressed, and all that is wanting may be enacted, and then will render those Councils useless and impracticable, by continuing endless Distractions ;

‘ Who can wonder if their Affairs should
 ‘ begin to be less Prosperous, when other-
 ‘ wise, humanly speaking, and in all com-
 ‘ mon Probability, their Condition would
 ‘ have been out of the Reach of Fortune,
 ‘ and their Security in a manner impregna-
 ‘ ble?

My Lords and Gentlemen,

‘ I F the presaging Malice of our Enemies
 ‘ should pretend to foretell any such Fate as
 ‘ this to befall us, the Wisdom and the Mag-
 ‘ nanimity of this great Council will quick-
 ‘ ly be too hard for all their Auguries. The
 ‘ Honour and the Loyalty of this august and
 ‘ venerable Assembly will leave no Kind of
 ‘ Room for any such Divinations.

‘ Y O U that have the Happiness to live
 ‘ under so excellent a Monarchy, so admira-
 ‘ ble a Constitution and Temper of Govern-
 ‘ ment; you that remember what the Want of
 ‘ this Government cost us, and the miserable
 ‘ Desolations which attended it, have all the
 ‘ Motives, and are under all the Obligations
 ‘ that can be, to secure and advance the In-
 ‘ terest of it.

‘ T H E King, on his Part, meets you
 ‘ with so open and so full a Heart, and is so
 ‘ absolutely resolved and determined to do
 ‘ all that in him lies to glad the Hearts of
 ‘ his People, that it must be the strangest
 ‘ Infelicity in the World, if either he or his
 ‘ Subjects should meet with any Disappoint-
 ‘ ments here.

‘ F O R the King hath no Desires but
 ‘ what are publick, no Ends or Aims which
 ‘ terminate in himself; all his Endeavours
 ‘ are so entirely bent upon the Welfare of all
 ‘ his Dominions, that he doth not think any
 ‘ Man

‘ Man a good Subject who doth not heartily
‘ love his Country : And therefore let no
‘ Man pass for a good Patriot, who doth not
‘ as heartily love and serve his Prince.

‘ PRIVATE Men indeed are subject
‘ to be misled by private Interests, and may
‘ entertain some vain and slender Hopes of
‘ surviving the Misfortunes of the Publick;
‘ but a Prince is sure to fall with it, and
‘ therefore can never have any Interest divi-
‘ ded from it.

‘ TO live and die with the King, is the
‘ highest Profession a Subject can make, and
‘ sometimes ’tis a Profession only, and no
‘ more; but in a King it is an absolute Ne-
‘ cessity, ’tis a Fate inevitable that he must
‘ live and die with his People.

‘ A WAY then with all the vain Imagi-
‘ nations of those who labour to infuse a Mis-
‘ belief of the Government; away with
‘ those ill-meant Distinctions between the
‘ Court and the Country, between the Na-
‘ tural and the Politick Capacity, and let all
‘ who go about to perswade others that these
‘ are two several Interests, take care of that
‘ Precipice to which such Principles may
‘ lead them, for the first Men that ever be-
‘ gan to distinguish of their Duty, never
‘ left off ’till they had quite distinguished
‘ themselves out of all their Allegiance.

My Lords and Gentlemen,

‘ THE King hath so long had, and still
‘ retains such honourable Thoughts of these
‘ Assemblies, that we ought to make it one
‘ great Part of our Business to deserve the
‘ Continuance of his Majesty’s Grace and
‘ good Opinion.

H h 3

‘ LET

‘ LET no Contention then come near thi
 ‘ Place, but that of a noble Emulation who
 ‘ shall serve his Country best, by well ser-
 ‘ ving of the King; let no Passion enter here,
 ‘ but that of a pious Zeal to lay hold upon
 ‘ all Opportunities of promoting the Honour
 ‘ and Service of the Crown, till our Ene-
 ‘ mies despair of ever profiting by any Disor-
 ‘ ders amongst us.

‘ A N D let all, who pray for the long
 ‘ Life and Prosperity of the King, add their
 ‘ Endeavours to their Prayers, and study to
 ‘ prolong this sacred Life, by giving him all
 ‘ the Joys of Heart which can arise from the
 ‘ Demonstrations of the lively and the warm
 ‘ Affections of his People.

A S P E E C H of the Lord Chancellor
Finch, in Parliament, made on the 23d, of
May, 1678. wherein, amongst others, there
 are some notable Things about tacking of
 Bills.

*My Lords, and you the Knights, Citizens and
 Burgeses of the House of Commons,*

‘ T H A T which remains to be said by his
 ‘ Majesty’s Command, will fall under
 ‘ these Considerations; The present State
 ‘ of Christendom in reference to a general
 ‘ Peace; then the Influence that Peace is
 ‘ like to have upon us; and the Necessity of
 ‘ returning to some better Kind of Intelli-
 ‘ gence amongst our selves, than we had
 ‘ when we parted last.

‘ T H E Advances which have been made
 ‘ abroad towards a Peace, though they may
 ‘ have been hastened by some late Occur-
 ‘ rences, yet they were long since meditated

‘ and

and prepared there: For when the States General did perceive, that though they had strained themselves to the utmost, and exceeded all the Proportions which by their Treaty they were bound to furnish; yet the *Spaniards* failed them in every Point, not only in the Subsidies they were obliged to pay, but in the very Strength and Forces they stood engaged to set out, in-somuch that all their Towns and Garrisons were so far from being in any tolerable Posture to receive an Enemy, that they remained as perfectly defenceless as if they were intended to be abandoned; the States resolved to seek all the Occasions they could of coming out of the War, and to lay hold on the first that should offer it self.

TO this End, they did all the last Year solicit his Majesty to endeavour a Peace, and they would then have taken such a Peace as now they seek; but his Majesty thought he had done great Service to the Christian World, when he had gained two Points upon them; First, to model and concert with him the Terms and Articles of a better Peace; and then, in prospect of that Peace (and without which it could never have been gained) to enter into a League Offensive and Defensive with his Majesty, to obtain that Peace by Force, if it could not be had otherwise.

AND while Things stood upon this Foot, and some Preparations were making towards it, there was no small Hopes of putting a considerable Stop to the Growth of the Power of *France*.

‘ F O R though the *Dutch* were still inclined to accept of Peace, and were hearkning after the *French* Propositions at *Niméguen* ; yet such were his Majesty’s Resolutions to hold them to their League, and so constant were all his Refusals to hearken to such a Peace, or to have any Part in it, that they must of Necessity at last have been obliged to continue in the War some Way or other.

‘ B U T when once it was heard abroad that this League, which was the only Thing by which his Majesty could oblige the States, had been so ill understood at home, as to meet with some very unfitting and very undeserved Reflections ; as soon as it had taken Air, and they understood that there was a Resolution to give no Money until Satisfaction given in Matters of Religion, which in all Countries are the longest Debates that can be enter’d upon, and at this Time, above all others, should least have been stirred ; and when at last the King had received an Address, which they took to be of such a Nature as was never seen or heard of before in any State or Kingdom in the World, and had proceeded so far as to express his Resentment of it :

‘ T H E N they concluded with themselves, that it was in vain to rely any longer upon *England*, for *England* was no longer it self : Then all Sides began to wish for Peace, even *Spain* as well as *Holland* ; and if the Cessation, which is endeavoured to be made in order to it, take effect, as in all likelihood it will, we may conclude, that the Peace will soon follow.

‘ T H E

‘ T H E Influence such a Peace will have
‘ upon our Affairs, is fitter for Meditation
‘ than Discourse : Only this is evident, that
‘ by the Preparations we have made for
‘ War, and the Prohibitions we have made
‘ of Trade, we have given no small Provo-
‘ cations to a mighty King, who may be at
‘ Leisure enough to resent them if he please.
‘ And therefore it will import us so to
‘ strengthen our selves both at home and
‘ abroad, that it may not be found a cheap
‘ or easie Thing to put an Affront upon
‘ us.

‘ T H E first Step, in order to this, is to
‘ preserve a State of Peace and Unity at
‘ Home, which is now more necessary than
‘ ever. He that foments Divisions now,
‘ does more Mischief to his Country than a
‘ foreign Enemy can do, and disarms it in
‘ a Time when all the Hands, and all the
‘ Hearts we have, are but enough to de-
‘ fend us.

‘ N O Fears of Arbitrary Government can
‘ justifie, no Zeal to Religion can sanctifie
‘ such a Proceeding.

‘ I T hath been so stale a Project to un-
‘ dermine the Government, by accusing it of
‘ endeavouring to introduce Popery and
‘ Tyranny, that a Man would wonder to
‘ see it taken up again.

‘ H A V E we forgotten that Religion and
‘ Liberty were never truly lost, ’till they
‘ were made a Handle and Pretence for Se-
‘ dition ? Are we so ill Historians, as not to
‘ remember when Prelacy was called Pope-
‘ ry, and Monarchy Tyranny ? When the
‘ Property of Nobility and Gentry was held
‘ to be destructive of Liberty, and that it
‘ was

‘ was a dangerous Thing for Men to have
 ‘ any Sence of their Duty and Allegiance ?

‘ DO we know all this, and suffer Men
 ‘ without Doors to hope by our Divisions to
 ‘ arrive at the same Times again ? Can we
 ‘ endure to see Men break the Act of Oblivion every Day, by reviving the Memory
 ‘ of forgotten Crimes in new Practices ?

‘ IF Fears and Jealousies can ever become
 ‘ wise and good Men, it is only then when
 ‘ there is Danger of a Relapse. No Caution
 ‘ can be too great against the Returns of
 ‘ that fatal Distemper from which we have
 ‘ been so lately recovered, especially when
 ‘ some Symptoms of it begin again to appear
 ‘ in printed Libels, and in several Parts of
 ‘ the Nation.

‘ IT might perhaps be worth our while
 ‘ to consider, whether we do not bring some
 ‘ kind of Scandal upon the Protestant Religion, when we seem so far to distrust the
 ‘ Truth and Power of it, that after so many
 ‘ Laws that have been pass’d to guard it,
 ‘ after all the miraculous Deliverances from
 ‘ the Attempts which have been made against
 ‘ it, we should still be afraid of its Continuance.

‘ IT is no doubt a Duty which we owe
 ‘ to God and to ourselves, to the present Age
 ‘ and to Posterity, to improve the Opportunities God gives us of Fencing our Vineyard,
 ‘ and making the Hedge about it as strong
 ‘ as we can. And the King hath commanded me to tell you, that he is ready to concur with us in any Thing of this Kind
 ‘ which shall be found wanting, and which
 ‘ the Christian Prudence and Justice of a
 ‘ Parliament can propose as expedient.

‘ BUT

‘ BUT why then do we suffer those abroad to complain of the Dangers of Religion, who complain only for Complaining Sake ?

‘ HATH not the late Act made it impossible, absolutely impossible, for the most concealed Papist that is, to get into any kind of Employment ? And did ever any Law since the Reformation give us so great a Security as this ?

‘ As little Cause there is to be jealous of our Liberties and Properties ; nor do they believe themselves who pretend to be afraid of either. Can there be a greater Evidence of the Moderation of a Prince, and his Tenderness of the Liberty of the Subject, than to suffer, as he does every Day, so much licentious and malicious Talk to pass unpunish’d ? If there be not any one Instance to be found in a whole Reign, of a Man that hath suffered against Law, and but very few Examples of those that have suffered by it, shall we endure them that dare say in Coffee-houses and in other Publick Places, that the Nation is enslaved.

‘ LET it be lawful to provoke and challenge the most discontented, and the most unsatisfied Spirit in the Kingdom, to shew that Time, if he can, since the World began, and this Nation was first inhabited, wherein there were fewer Grievances, or less cause of Complaint than there is at this present : Nay, give him Scope enough, and let him search all Ages and all Places of the World, and tell us, if he can, when and where there was ever found a happier People than we are at this Day.

AND

‘ AND if Malice it self ought to blush
 ‘ when it makes this Comparifon, What
 ‘ ftrange Ingratitude both to God and Man
 ‘ are they guilty of, who behave themselves
 ‘ fo, as if they could be ill at Eafe under fo
 ‘ temperate a Government?

My Lords and Gentlemen,

‘ T H E King will not fuffer himfelf to
 ‘ believe it poffible, that you fhould ever for-
 ‘ fake him when any Difficulties or Distreffes
 ‘ are near him; and therefore he doth with
 ‘ great Affurance expect your Care to pre-
 ‘ ferve him in the Affections of his People,
 ‘ as well as your Concurrence to his prefent
 ‘ Supplies.

‘ T H E Forces which have been raifed,
 ‘ and the Ships which have been fet out by
 ‘ your Advice, have been at a vaft Charge,
 ‘ and yet it will be no fmall Expence to dis-
 ‘ band them again, and to pay them till they
 ‘ be disbanded.

‘ T H A T Two hundred thoufand Pounds,
 ‘ which was borrowed at your Request, re-
 ‘ mains as a Debt upon the King, unlefs you
 ‘ acquit your felves of the Obligation which
 ‘ lies upon you to pay it.

‘ T H A T Branch of the Revenue which
 ‘ expires next Month, will leave the Crown
 ‘ in great Want, if it be not continued, and
 ‘ yet the continuance of it will not prove fo
 ‘ confiderable a Support as it ought to be:
 ‘ For the Poll-Bill hath extinguifhed the Du-
 ‘ ty upon *French* Wines, and all other Cu-
 ‘ ftoms arifing upon Trade with *France*; and
 ‘ it is worthy of the Care of a Parliament
 ‘ to make this up fome other way, that fo his

‘ Ma-

‘ Majesty may see, and know, that nothing
‘ can be lost by trusting his Parliament.

‘ BUT the King hath so far express’d
‘ himself this Day, that ’tis evident the Man-
‘ ner of your Proceedings is to him as con-
‘ siderable as the Matter ; and that he will
‘ not accept a good Bill, how valuable so-
‘ ever it may be, unless it come to him in
‘ the old and decent Method of Parlia-
‘ ments.

‘ THE late way of Tacking together fe-
‘ veral Independent and Incoherent Matters
‘ in one Bill, seems to alter the whole Frame
‘ and Constitution of Parliaments, and con-
‘ sequently of the Government it self.

‘ IT takes away the King’s Negative Voice
‘ in a manner, and forces him to take all or
‘ none, when sometimes one part of the Bill
‘ may be as dangerous for the Kingdom, as
‘ the other is necessary.

‘ IT takes away the Negative Voice of
‘ the House of Peers too by the same Con-
‘ sequence, and disinherits the Lords of that
‘ Honour they were born to ; The Liberty
‘ of Debating and Judging what is good for
‘ the Kingdom.

‘ IT looks like a kind of Defamation of
‘ the Government, and seems to suppose the
‘ King and House of Lords to be so ill affe-
‘ cted to the Publick, that a good Bill can-
‘ not carry it self through by the Strength
‘ of its own Reason and Justice, unless it be
‘ helped forward by being tack’d to another
‘ Bill that will be favoured.

‘ IT does at last give up the greatest Share
‘ of Legislature to the Commons, and by
‘ consequence the chief Power of judging
‘ what Laws are best for the Kingdom.

‘ AND

‘ AND yet it is a Priviledge that may be
 ‘ made use of against the Commons, as well
 ‘ as by them : For if this Method hold, what
 ‘ can hinder the Lords at one time or other
 ‘ from taking Advantage of a Bill very grate-
 ‘ ful to the Commons, and much desired by
 ‘ them, to tack a new Clause to it of some
 ‘ Foreign Matter, which shall not be alto-
 ‘ gether so grateful, nor so much desired,
 ‘ and then the Commons must take all or
 ‘ none too.

‘ T H U S every good Bill shall be dearly
 ‘ bought at last, and one chief End of cal-
 ‘ ling Parliaments, The making of good
 ‘ Laws, shall be wholly frustrated and dis-
 ‘ appointed, and all this by departing from
 ‘ that Method which the Wisdom of our An-
 ‘ cestors prescribed, on purpose to prevent and
 ‘ exclude such Inconveniencies.

‘ T H E S E Innovations the King resolves
 ‘ to abolish, and hath commanded me to say
 ‘ to you, *State super vias antiquas.*

My Lords and Gentlemen,

‘ T H E R E never did, there never can
 ‘ again, so much depend upon the happy
 ‘ Success of any one Meeting as there does
 ‘ upon this.

‘ I F this Session do not repair the Mis-
 ‘ fortunes, and amend the Faults of the last,
 ‘ it will look like a Fatality upon the Na-
 ‘ tion.

‘ I F we do not now strengthen the Hands
 ‘ of the Government, and shame the Enemies
 ‘ of it, by banishing all manner of Distrust,
 ‘ we shall be in Danger to become not on-
 ‘ ly

ly the most miserable, but the most unpitied Nation under Heaven.

LET not the Whispers or evil Surmises of those who lie in wait to deceive, make any Man the unhappy Occasion of endangering the Safety of the Government, by mistrusting it.

HE whose House is destroyed by Fire, would find but little Consolation in saying the Fire did not begin by his Means; but it will be Matter of perpetual Anguish and Vexation of Heart, to remember that it was in his Power to have extinguished it.

LET the World now see that your Zeal to preserve the Government is the same it was when you were ready to die for its Restoration: And know, 'tis an Act as Meritorious, and an Act of as great Duty and Loyalty, to stand between the King and all those Practices of Libellers, which tend to create a Misunderstanding between him and his Parliament, as 'tis to fight for him in a Day of Battel.

EMBELLISH the History of this Parliament, by shewing us the healing Virtue of this Session: So shall your Service be acceptable to the King, who never forgets any thing but Injuries: So shall you recommend your selves to Posterity, by transmitting to them the same Peace and Happiness you are trusted with.

AND the God of Peace and Unity prosper all your Consultations to the Honour and Happiness of the King, and the Joy and Comfort of all his good Subjects.

ANOTHER

ANOTHER Speech of the Lord Chancellor *Finch*, in Parliament, Octob. 21. 1678.

*My Lords, and you the Knights, Citizens, and
Burgesses of the House of Commons,*

‘ **H**OW much the King relies upon the
‘ Advice and Assistance of his Parlia-
‘ ment, how necessary he counts it to him,
‘ and how safe he thinks himself in it, is evi-
‘ dent by this, That he hath not suffered you
‘ all this Year to be out of his Reach, but
‘ hath continued you from Time to Time by
‘ a Succession of little and short Proroga-
‘ tions. And without all peradventure we
‘ had sooner met, if it had been possible for
‘ us to take right Measures here, without a
‘ full Knowledge of the State and Condition
‘ of our Neighbours.

‘ **T**HE Close and Period of the Last
‘ Session is very memorable, for it may seem
‘ perhaps to some to have ended with very
‘ different, if not contrary Counsels and Sup-
‘ plies, tending both to War and Peace: But
‘ yet they who look more nearly into the
‘ Matter, shall find that this Incertainty pro-
‘ ceeded not from any Unsteadiness at home,
‘ but from the Mutability of Affairs abroad,
‘ every Week almost producing several and
‘ contrary Appearances.

‘ **T**HE same Incertainties of Counsels
‘ and Events abroad continu’d for the most
‘ part of the Summer. One while the Par-
‘ ties exhausted by the War seemed to be
‘ willing to accept any Peace their Enemies
‘ would give; and there wanted not those
‘ among them who made use of the Impa-
‘ tience of their People to necessitate them
‘ to it.

*
* *

ANOTHER

‘ ANOTHER while the Performance of
‘ the Conditions offer’d became so doubt-
‘ ful, and was at last explain’d in a manner
‘ so vastly different from the first Proposals,
‘ that Despair begot new Resolutions of con-
‘ tinuing the War.

‘ IN the midst of these miserable Perple-
‘ xities and Confusions, his Majesty was daily
‘ solicited with the highest Importunities,
‘ and the most earnest Supplications that
‘ were possible, not to disband the Troops
‘ he had raised; and not only so, but that
‘ he would still continue to send over more
‘ and more of his Troops, and to augment
‘ the Forces which he had already abroad.

‘ THEY did as good as tell him plainly,
‘ That it was from the Reputation of his Al-
‘ liance that any Overtures of Peace had
‘ been made at all, and that it was from the
‘ Continuance of his Arms that any fair Per-
‘ formance could be expected.

‘ THEY pray’d his Majesty to consider,
‘ That if he thought it expedient to obtain
‘ some kind of Respite or Breathing-time for
‘ the *Spanish Netherlands*, or to secure any
‘ kind of Frontier or Barrier between them
‘ and their too Powerful Neighbours; All
‘ this and more, very much more, perhaps
‘ no less than the Safety of *Christendom*,
‘ would entirely depend upon his Majesty’s
‘ preserving himself in that considerable Po-
‘ siture both by Sea and Land, wherein he
‘ then was.

‘ THERE was no resisting such repeat-
‘ ed Intercessions; and though his Majesty saw
‘ well enough that his complying with these
‘ Desires would engage him in an Expence
‘ far beyond what he was then provided for,

' yet he could not possibly decline the Charge,
 ' nor refuse to undergo the Difficulties. And
 ' now, whatever the Cost of all this may a-
 ' mount to, yet neither his Majesty nor his
 ' People will have any Cause to repent it,
 ' when they shall consider that it hath already
 ' produced such great and good Effects to his
 ' Majesty's Allies, and so much Honour to
 ' the whole Nation, that whatsoever is sav'd
 ' of *Flanders*, is now acknowledged by all the
 ' World to be wholly due to his Majesty's
 ' Interposition.

' A N D though the Peace which since
 ' hath followed, be very far from such a
 ' Peace as his Majesty could have wish'd,
 ' yet 'tis such a Peace as his Neighbours were
 ' resolv'd to have; No Obligations they lay
 ' under to insist upon a better Peace, no
 ' Conjunction with his Majesty, no nor the
 ' Offers to declare War on their Behalfs, if
 ' they desired it, could prevail with them, or
 ' keep them from being wrought upon by
 ' the Arts of those who first rais'd unreason-
 ' able Jealousies amongst them, and then
 ' caus'd them to precipitate themselves into a
 ' Peace.

' T H U S you see at once, not only the
 ' Necessity which his Majesty had to con-
 ' tinue his Troops in Pay, but likewise the
 ' Benefits and Advantages which have come
 ' of it.

' L E T no Man wonder then, if the Mo-
 ' ney given toward this Disbanding have
 ' been applied toward the Payment of the
 ' Army as far as it would go. There needs
 ' no Excuse for that which was inevitable.

THE

‘ T H E Provision which was made for
‘ paying off the Army, went no further than
‘ till the last of *June* for Part, and the last
‘ of *August* for the rest ; but the Fleet was
‘ provided for only till the Fifth of *June*, so
‘ that the Continuation of the Fleet and
‘ Army from that Time was wholly upon his
‘ Majesty’s Charge.

‘ A N D as this was an Expence so abso-
‘ lutely Necessary to our own Interest, in the
‘ Preservation of our Neighbours, that his
‘ Majesty could not with any Honour or
‘ Safety to himself have avoided it : So the
‘ Service which hath been done by this
‘ Means to a great part of *Christendom*, is so
‘ universally acknowledged, that you cannot
‘ but be well pleased to have your Share in
‘ the Honour of it, and be willing to de-
‘ fray the rest of the Charge, which hath
‘ far exceeded all that was given by that
‘ Act.

‘ A N D his Majesty hath found himself
‘ in greater Straits than he could have ima-
‘ gined, by the unexpected Deficiency of the
‘ *Poll-Bill* : For whereas it was made a *Fond*
‘ of Credit for Three hundred thousand
‘ Pound, besides a further Credit for Stores ;
‘ The Product of that Act hath fallen so
‘ strangely short of what the Parliament ex-
‘ pected from it, that it hath not raised that
‘ Sum of Money by a great deal, which was
‘ allowed to be borrowed upon it ; And by
‘ this Means they who have furnish’d Stores
‘ upon the Credit of that Act, will be in
‘ Danger to be very great Losers, unless
‘ you are pleased to take some Care of
‘ them.

‘ T H U S you have shortly an Account
 ‘ of what hath been doing Abroad, and the
 ‘ Charge of it ; ’Tis now high Time to look
 ‘ a little nearer Home : And surely in that
 ‘ State of Things to which they are now re-
 ‘ duced, ’tis visible and plain enough what
 ‘ must be our Business for the Time to come.

‘ F I R S T, We must look to our selves,
 ‘ and provide for our own Safety : For that
 ‘ which the Confederates acknowledge with
 ‘ Thanks, we may be sure hath a quite dif-
 ‘ ferent Resentment in other Places. And in
 ‘ order to this, Care must be taken so to
 ‘ strengthen our selves both at Home and
 ‘ Abroad, that they who see us in a firm and
 ‘ well-settled Estate, may have no Hopes to
 ‘ Surprize, nor any Temptation to make an
 ‘ Attempt upon us. And herein it will be
 ‘ necessary to take Notice of what his Ma-
 ‘ jesty hath recommended to you, and to
 ‘ weigh very well the Importance of redu-
 ‘ cing the Sea and Land Forces, and the
 ‘ Consequences which may attend such a
 ‘ Reducement : For this be assur’d, that no-
 ‘ thing in the World would more gratifie our
 ‘ Enemies, than to see us afraid of main-
 ‘ taining our selves in a Posture of Defence,
 ‘ which is the only Posture they are afraid
 ‘ to find us in.

‘ A N D that the Fears of Popery may
 ‘ not too much Disquiet you, be pleased to
 ‘ consider that you have one Security more,
 ‘ since that which was always the Interest of
 ‘ his Majesty’s Honour and Conscience, is
 ‘ now become the Interest of his Person too,
 ‘ to protect the Protestant Religion, and to
 ‘ prevent the Swarming of Seminary Priests.
 ‘ For his Majesty hath told you, That he
 ‘ hath

‘ hath lately received Information of Designs
‘ against his own Life by the *Jesuits*. And
‘ though he doth in no sort Prejudge the
‘ Persons accus’d, yet the strict Enquiry into
‘ this Matter hath been a Means to discover
‘ so many other unwarrantable Practices of
‘ theirs, that his Majesty hath reason to look
‘ to them.

‘ N O R are these kind of Men the only
‘ Factors for *Rome*; but there are found a-
‘ mong the Laity also some who have made
‘ themselves Agitators to promote the Inte-
‘ rests of a Foreign Religion, who meddle
‘ with Matters of State and Parliament, and
‘ carry on their pernicious Designs by a most
‘ dangerous Correspondence with Foreign
‘ Nations.

‘ WHAT kind of Process the Proof will
‘ bear, and to how high a Degree the Ex-
‘ tent and Nature of these Crimes will rise,
‘ is under Consideration, and will be fully
‘ left to the Course of Law.

‘ I N the next Place, let us carefully a-
‘ void all Differences amongst our selves, all
‘ manner of Clashing about Jurisdications,
‘ and all Disputes of such a Nature as can
‘ never end in any Accommodation. For
‘ this is still what our Enemies would wish,
‘ who would be glad to see us ruin’d, with-
‘ out their being at the Charge of it.

‘ A N D therefore we must now, above all
‘ other Times, labour to shew the World the
‘ most effectual Significations of our Loyalty
‘ and Duty that we are able to express:
‘ For nothing in the World can more discour-
‘ age our Enemies, as on the contrary no-
‘ thing does or can so ripen a Nation for
‘ Destruction, as to be observ’d to distrust

‘ their own Government. Be pleas’d then
 ‘ now to take occasion to manifest such a
 ‘ Zeal for the Government, as to look into
 ‘ the State of that Revenue which should
 ‘ support the constant and necessary Charge
 ‘ of it, and to see that it be made Equal to
 ‘ it.

‘ THERE are many Motives to oblige
 ‘ us to this Inspection; First, you see the
 ‘ King expects it; and then again you can-
 ‘ not but see, that nothing is or can be of a
 ‘ more publick Consideration, than to sup-
 ‘ port the Dignity of the Crown, which is
 ‘ in truth the Dignity of the Nation: Besides,
 ‘ ’tis unsafe, as well as dishonourable, that the
 ‘ King’s Revenue should fall short of his
 ‘ most necessary and most unavoidable Ex-
 ‘ pences.

‘ AND if upon a due Examination it shall
 ‘ be made appear to you, That though there
 ‘ had been no Diminution of the Customs,
 ‘ yet no Thrift or Conduct in the World
 ‘ could ever make the Revenue able to an-
 ‘ swer the certain Charge of the Govern-
 ‘ ment, much less to discharge those Anti-
 ‘ cipations which lie heavy upon it: How
 ‘ can it be possible for it to supply those
 ‘ Contingencies which happen even in Times
 ‘ of Peace, and which can never be brought
 ‘ under any Regulation or Establishment?

‘ YOU may be sure, a great and generous
 ‘ Prince would be glad, by good Managery,
 ‘ to have wherewithal to exercise his Royal
 ‘ Bounty. But our Neighbours have found
 ‘ a Way to prevent all that: For their vast
 ‘ Preparations put his Majesty upon a vast
 ‘ Expence, to preserve himself and us.

My Lords and Gentlemen,

‘ YOU now find the King involv’d in
‘ Difficulties as great, and, without your
‘ Assistance, as insuperable, as ever any Go-
‘ vernment did labour under.

‘ AND yet his Majesty doth not think
‘ that there need many Words to bespeak
‘ your Zeal and Industry in his Service: For
‘ the Things themselves now speak, and speak
‘ aloud. The Publick and the Private Inte-
‘ rest do both perswade the same Things,
‘ and are, and ought to be mighty in Per-
‘ swasion.

‘ IF the Honour and Safety of your Coun-
‘ try, and, which is next to that, the Con-
‘ cerns of your own Families and Posterities,
‘ cannot awaken your utmost Care to pre-
‘ serve that Government which only can
‘ Support you and yours, all other Discourses
‘ will be to no purpose.

‘ THERE can be no Difficulties at all to
‘ them who take Delight in serving of the
‘ King and their Country, and love the Oc-
‘ casions of shewing it.

‘ SUCH are all here. But though the
‘ King have had for many Years a large and
‘ full Experience of your Duty, yet there
‘ never was a Time like this to try your Af-
‘ fections.

‘ THERE is so strange a Concurrence
‘ of ill Accidents at this time, that ’tis not to
‘ be wonder’d at, if some very honest and
‘ good Men begin to have troubled and
‘ thoughtful Hearts. Yet that which is infi-
‘ nitely to be lamented, is, That malicious
‘ Men too begin to work upon this Occasion,
‘ and are in no small Hopes to raise a Storm
‘ that nothing shall be able to allay.

‘ IF you can rescue the King’s Affairs
 ‘ from such a Tempest as this; If you can
 ‘ weather this Storm, and steer the Vessel
 ‘ into Harbour; If you can find a Way to
 ‘ quiet the Apprehensions of those who mean
 ‘ well, without being carried away by the
 ‘ Passions of others who mean ill; If you
 ‘ can prevent the Designs of those Without-
 ‘ Doors, who study nothing else but how to
 ‘ distract your Counsels, and to disturb all
 ‘ your Proceedings: Then you will have
 ‘ perform’d as great and as seasonable a Piece
 ‘ of Service to the King, as ever yet he stood
 ‘ in need of.

‘ A N D when the World shall see, that
 ‘ nothing hath been able to Disappoint the
 ‘ King of the Assistance he had reason to
 ‘ Hope from this Session, but that there is a
 ‘ right Understanding between the King and
 ‘ his Parliament, and that again strength-
 ‘ ned and increased by the Evidences of
 ‘ your Duty and Affection, and raised above
 ‘ all possibility of being interrupted:

‘ T H E N shall the King be possess’d of
 ‘ that true Glory which others vainly pursue,
 ‘ the Glory of Reigning in the Hearts of
 ‘ his People. Then shall the People be pos-
 ‘ sess’d of as much Felicity as this World is
 ‘ capable of: And you shall have the perpe-
 ‘ tual Honour and Satisfaction of having
 ‘ been the Means to procure so much solid
 ‘ and lasting Good to your Country, as the
 ‘ Establishment of the Peace and Tranquil-
 ‘ lity of this Kingdom, and consequently of
 ‘ all his Majesty’s Dominions.

THE

THE Lord Chancellor *Finch's* Speech in Parliament, about the Popish Plot, &c. on the 6th of *March*, 167⁸.

MY Lords, and you the Knights, Citizens, and Burgeses of the House of Commons,

‘ **Y**OU are here assembled, by Virtue
‘ of His Majesty’s most Gracious Writs
‘ of Summons, to hold a Parliament, the
‘ great, the wise, and the powerful Coun-
‘ cil of this Kingdom. From the Wisdom
‘ of this Council, the King is sure He shall
‘ receive the best Advice: From the Duty
‘ and Loyalty of this Assembly, He can ne-
‘ ver want a cheerful Assistance; and the
‘ King resolves to meet you all with so much
‘ Grace and Goodness, that He hopes this
‘ Parliament shall end in no Disappoint-
‘ ment of any, but our Enemies.

‘ IT may seem strange perhaps to some,
‘ That His Majesty, who had so long and
‘ large an Experience of the Duty of the
‘ last Parliament, should now, and in this
‘ present Conjuncture, think fit to call a new
‘ One: But the King hath so equal a Con-
‘ fidence in the Affections of all His good
‘ Subjects, that He intends to be acquainted
‘ with them all, and to have many and fre-
‘ quent Consultations with them; and hopes
‘ by this Means to attain first a true and
‘ right Understanding of the Desires of His
‘ People, and, next to that, to be rightly
‘ understood by them.

‘ THE Considerations which are now to
‘ be laid before you, are as urgent and as
‘ weighty as were ever yet offer’d to any
‘ Parliament, or indeed ever can be, so
‘ great and so surprizing have been our Dan-
‘ gers

' gers at Home, so formidable are the Ap-
 ' pearances of Danger from Abroad, that
 ' the most united Councils, the most sedate
 ' and calmest Temper, together with the
 ' most dutiful and zealous Affections that a
 ' Parliament can shew, are all become ab-
 ' solutely and indispensably necessary for
 ' our Preservation.

' AT Home we had need look about us ;
 ' for His Majesty's Royal Person hath been
 ' in Danger by a Conspiracy against His Sa-
 ' cred Life, maliciously contriv'd, and in-
 ' dustriously carried on, by those Seminary
 ' Priests and Jesuits, and their Adherents,
 ' who think themselves under some Obliga-
 ' tion of Conscience to effect it ; and ha-
 ' ving vow'd the Subversion of the true Re-
 ' ligion amongst us, find no Way so likely
 ' to compass it, as to wound us in the Head,
 ' and to kill the Defender of the Faith.

' HIS Majesty wanted not sufficient Evi-
 ' dence of His Zeal for our Religion, with-
 ' out this Testimony from His Enemies, who
 ' were about to sacrifice Him for it : But it
 ' hath ever been the Practice of those Vota-
 ' ries, first to murder the Fame of Princes,
 ' and then their Persons ; first to slander
 ' them to their People, as if they favour'd
 ' Papists, and then to assassinate them for
 ' being too zealous Protestants. And thus,
 ' by all the Ways and Means which our Law
 ' calls Treason, and their Divinity calls Me-
 ' rit and Martyrdom, they are trying to set
 ' up the Dominion and the Supremacy of
 ' the Pope, as if the Dignity of his Triple
 ' Crown could never be sufficiently advan-
 ' ced, unless these Three Kingdoms were
 ' added unto him, and all brought back
 ' again

‘ again under that Yoke, which neither we
‘ nor our Forefathers were able to bear.

‘ THE Enquiry into this Conspiracy
‘ hath been closely purfued ; and the Lords
‘ of the Council have been careful to profe-
‘ cute the Discovery ever fince the Riling of
‘ the laft Parliament, and the King doth
‘ now recommend it to you to perfect.
‘ More Evidence hath been already found
‘ out, and more Malefactors difcovered,
‘ fome in Hold, fome fled ; the Juftices of
‘ Peace have been quicken’d in the Execu-
‘ tion of their Duty ; the Negligent have
‘ been reprov’d and punifhed, the Diligent
‘ encouraged and affifted in doubtful Cafes,
‘ by the Opinions of the Judges ; active and
‘ faithful Meffengers have been fent into all
‘ the Corners of the Kingdom, where there
‘ was any Hope of Service to be done ; the
‘ very Prifons have been fearch’d, to fee whe-
‘ ther any had fled thither to hide themfelves
‘ there, and under Pretence of Debt to efcape
‘ the purfuit : And if any have defir’d Leave
‘ to go beyond Sea, they have firft given Se-
‘ curity not to go to *Rome*, nor fend their
‘ Children to be bred in any Foreign Semi-
‘ naries ; and then they have been obliged to
‘ give in a Lift of all their Menial Servants,
‘ and thofe Servants too have been examined
‘ upon Oath : And Order is given, That
‘ they be again examined at the Ports, and
‘ make Oath they are the fame Perfons were
‘ examin’d above : So that all poffible Care
‘ hath been taken that no Malefactors might
‘ efcape us in Difguife.

‘ AND though the Priests themfelves do
‘ not keep the Confessions of their Profe-
‘ lites more fecret than thefe keep the Injun-
‘ ctions

' ctions of their Priests, yet enough hath
 ' appeared to bring some Capital Offenders
 ' to Publick Justice, and to convict them of
 ' the Crime: Some of the Traitors have
 ' been executed; several Priests have been
 ' arrested and imprison'd; all are hiding
 ' themselves, and lurking in secret Corners,
 ' like the Sons of Darknes. The Murderers
 ' of Sir *Edmundbury Godfrey* have been con-
 ' demned, and suffered Death: Some Pa-
 ' pists have banish'd themselves out of the
 ' Kingdom; others are imprisoned for not
 ' taking the Oaths: All are prosecuted to-
 ' wards Conviction; and the very Shame
 ' and Reproach which attends such abomi-
 ' nable Practices, hath covered so many
 ' Faces with new and strange Confusions,
 ' that it hath prov'd a powerful Argument
 ' for their Conversion: Nor is it to be won-
 ' der'd at, that they could no longer believe
 ' all that to be Gospel which their Priests
 ' taught them, when they saw the Way and
 ' Means of introducing it was so far from
 ' being Evangelical.

' IN a Word, so universal is that Despair
 ' to which the Papists are now reduced,
 ' that they have no other Hopes left but
 ' this, That we may chance to overdo our
 ' own Business, and, by being too far tran-
 ' sported with the Fears of Popery, neglect
 ' the Opportunities we now have of making
 ' sober and lasting Provisions against it.

' AND 'tis not to be doubted but that it
 ' would infinitely gratifie the Papists in the
 ' Revenge they wish, for this Discovery, if
 ' they could see us distracted with Jealousies
 ' incurable, and distrusting the Government
 ' to such a Degree, as should weaken all that
 ' Reve-

‘ Reverence by which it stands : For then
‘ the Plot would not be altogether without
‘ Effect ; but those whom they could not de-
‘ stroy by their Conspiracy, they should
‘ have the Satisfaction to see ruining them-
‘ selves after the Discovery : So that, though
‘ we had escaped that Desolation which they
‘ intended to have brought upon us, nothing
‘ could save us from that Destruction which
‘ we should bring upon our selves.

‘ BUT their Expectations of this are as
‘ vain, as their other Designs were wicked :
‘ For His Majesty hath already begun to let
‘ them see with what Severity He intends to
‘ proceed against them. He hath passed a
‘ Law to disable all the Nobility and Gentry
‘ of that Faction ever to sit in Parliament ;
‘ and not content with that, He did offer to
‘ the last Parliament, and does again renew
‘ the same Offer to this Parliament, to pass
‘ any further Laws against Popery which
‘ shall be desired, so as the same extend not
‘ to the Diminution of His own Prerogative,
‘ nor to alter the Descent of the Crown in
‘ the right Line, nor to defeat the Succes-
‘ sion. He hath refus’d the Petition of the
‘ Lords, who, during the Interval of Par-
‘ liament, desired to be brought to their
‘ Trial, and, after so long an Imprisonment,
‘ might reasonably enough have expected it.
‘ But His Majesty thought it fitter to reserve
‘ them to a more publick and conspicuous
‘ Trial in Parliament : For which Cause their
‘ Trial ought now to be hastned ; for it is
‘ high time there should be some Period put
‘ to the Imprisonment of the Lords.

‘ BUT that which the King hath been
‘ pleased to mention to you this Morning,
‘ fur-

'surpasse all the rest, and is sufficient of it
 'self alone to discharge all those Fears of
 'Popish Influences which many good Men
 'had too far entertained: For now you see
 'His Majesty of His own Accord hath
 'done that which would have been very
 'difficult for you to ask; and hath deprived
 'Himself of the Conversation of His Royal
 'and only Brother, by commanding him to
 'depart the Kingdom; to which Command
 'his Royal Highness hath paid a most hum-
 'ble and a most entire Submission and Obe-
 'dience. This Separation was attended with
 'a more than ordinary Sorrow on both Sides.
 'But He that for your Sakes could part with
 'such a Brother and such a Friend, you may
 'be sure hath now no Favourite but His Peo-
 'ple. Since therefore His Majesty hath
 'shewn so much Readiness to concur with,
 'and in a manner to prevent, the Desires of
 'His Parliament, 'tis a miserable Refuge our
 'Enemies trust to, when they hope to see
 'our Zeal out-run our Discretion, and that
 'we our selves should become the unhappy
 'Occasion of making our own Councils
 'abortive.

'NOT only the Care of the State, but
 'the Care we ought to have of the Church
 'too, will preserve us from all Errors of this
 'Kind: For as there neither is, nor hath
 'been these Fifteen hundred Years, a purer
 'Church than ours; so 'tis for the Sake of
 'this poor Church alone that the State hath
 'been so much disturb'd. It is her Truth
 'and Peace, her Decency and Order, which
 'they labour to undermine, and pursue with
 'so restless a Malice: And since they do so,
 'it will be necessary for us to distinguish be-
 'tween

‘tween Popish and other Recusants, between
‘them that would destroy the whole Flock,
‘and them that only wander from it. And,
‘amongst the many good Laws you shall
‘think fit to provide, it may not be amiss to
‘think of some better Remedy for regulating
‘the Press, from whence there daily steal
‘forth Popish Catechisms, Psalters, and Books
‘of Controversy: And it may be another
‘good Fruit of such a Law to hinder Schis-
‘matical and Seditious Libels too; for cer-
‘tainly it were much better for us to make
‘such Laws as will prevent Offences, rather
‘than such as serve only to punish the Offen-
‘ders.

‘FROM the Dangers which we know at
‘Home, and have already in a great measure
‘overcome, be pleased to carry your Consi-
‘derations Abroad, and weigh the Dangers
‘which may come from thence. We all see
‘and know the Posture of our Neighbours;
‘and that the general Peace of *Europe* being
‘once made, there must needs be great Fleets
‘and Armies unemployed, and ready for an
‘Occasion: And ’tis as visible that some of
‘our Neighbours are so wasted by the War,
‘that they are unable to give us any Help, if
‘we should stand in need of it. And when
‘we consider withal the afflicted Condition
‘of the Protestants Abroad, we may be sure
‘that every Calamity they suffer, is in some
‘measure a Weakning of the Protestant In-
‘terest, and looks as if it were intended to
‘make Way for a general Extirpation.

‘THESE Dangers would not be so con-
‘siderable as they are, if the present Wants
‘of the Crown were not too well known.
‘The King doth not intend to press you at
‘this

' this Time with the full Consideration of
 ' them all: For as the King cannot hope in
 ' any one Session to do all that may be good
 ' for His People, so neither does he expect
 ' from them all that may be necessary for
 ' Himself; but hopes the good Understanding
 ' between Him and His People shall be for
 ' ever maintained, by a perpetual Reciproca-
 ' tion of Grace and Favour on His Part, and
 ' Duty and Affection on yours.

' THAT which doth most press the King
 ' at present, is the Want of that Treasure
 ' which He hath exhausted by going as far
 ' as He could in the disbanding of his Army,
 ' which is very much, but not fully done;
 ' the Charge of a great Fleet at Sea, now
 ' ready to be paid off, after a long Service,
 ' and the Necessity of setting out another this
 ' Summer; the Defects of the Poll-Bill, which
 ' fell short of that Sum which was allowed to
 ' be borrowed upon it, and by that Means
 ' have deceived those who did furnish Stores
 ' upon the Credit of that Act, unless you re-
 ' lieve them; together with the Continuation
 ' of some Additional Duties of Custom and
 ' Excise: And it were much to be wish'd,
 ' That since the Revenue at the best was al-
 ' ways short of the necessary Charge of the
 ' Government, a Way might be found to take
 ' off those Debts and Anticipations, and to
 ' supply that Diminution of the Customs
 ' which makes it much narrower than it
 ' was.

MY Lords and Gentlemen,

' THERE are so many Things to do,
 ' and so little Time to do them in, that there
 ' ought not to be one Minute lost. The Sea-
 ' son

‘ son of the Year is not yet so far advanced
 ‘ as to make it too late to set out a Fleet this
 ‘ Summer; for most of the Preparations are
 ‘ ready, if we go about it with that Dili-
 ‘ gence which is requisite: And therefore it
 ‘ doth infinitely import us all to husband
 ‘ Time.

‘ THE best Way of doing this will be,
 ‘ to avoid all long and tedious Consultations,
 ‘ which sometimes do as much Harm as ill
 ‘ Resolutions: And, above all, to take heed
 ‘ of such Questions and Debates as tend to
 ‘ raise Heat, or may create any kind of Di-
 ‘ sturbance. Nor does any thing in the
 ‘ World so much contribute to Dispatch as a
 ‘ quiet and orderly Proceeding: For they
 ‘ who are in Haste, and attempt to do all their
 ‘ Business at once, most commonly hinder
 ‘ themselves from bringing any thing to Per-
 ‘ fection.

‘ YOU have now an Opportunity of
 ‘ doing great Things for the King and King-
 ‘ dom; and it deserves your utmost Care to
 ‘ make a right Use of it: For ’tis not in the
 ‘ Power of a Parliament to recover a lost
 ‘ Opportunity, or to restore themselves again
 ‘ to the same Circumstances, or the same
 ‘ Condition, which they had once a Power
 ‘ to have improv’d.

‘ WOULD you secure Religion at
 ‘ Home, and strengthen it from Abroad, by
 ‘ uniting the Interests of all the Protestants
 ‘ in *Europe*? This is the Time.

‘ WOULD you let the Christian World
 ‘ see the King in a Condition able to protect
 ‘ those who shall adhere to Him, or depend
 ‘ upon Him? This is the Time.

K k

WOULD

‘ WOULD you extinguish all our Fears
 ‘ and Jealousies? Would you lay aside all
 ‘ private Animosities, and give them up to
 ‘ the Quiet and Repose of the Publick?
 ‘ This is the Time.

‘ WOULD you lay the Foundations of
 ‘ a lasting Peace, and secure the Church and
 ‘ State against all the future Machinations of
 ‘ our Enemies? This is the Time.

My Lords and Gentlemen,

‘ THE present Face of Things, and the
 ‘ State wherein we now are, is so well
 ‘ known and understood Abroad, that the
 ‘ whole World is in great Expectation of those
 ‘ Resolutions which shall be taken here: The
 ‘ Results of this Council seem to be decisive
 ‘ of the Fate of these Kingdoms for many
 ‘ Ages, and are like to determine us either to
 ‘ Happiness or Misery of a very long Dura-
 ‘ tion.

‘ WE use to say, and say truly, That the
 ‘ King, when seated in Parliament, is then
 ‘ in the Fulness of His Majesty and Power,
 ‘ and shines forth with the brightest Lustre:
 ‘ Let no Exhalations from beneath darken or
 ‘ obscure it.

‘ FOREIGN Nations say, and say
 ‘ truly, That a King of *England*, in Con-
 ‘ junction with His Parliament, is as Great
 ‘ and dreadful a Prince as any in *Europe*:
 ‘ Shew them the Sight they are afraid of:
 ‘ And since they have laid it down for a
 ‘ Maxim in their Politicks, That *England* can
 ‘ never be destroyed but by it self, and that ’tis
 ‘ in vain to make any Attempts upon this Na-
 ‘ tion, until they be in some great Disorder
 ‘ and Confusion among themselves, make
 ‘ the

the Ambitious Despair betimes, and establish so perfect an Intelligence between all the Parts of this great Body, that there may be but one Heart and one Soul among us.

AND let us all pray, That he who hath once more miraculously delivered the King, the Church, and the State, would be pleased still to continue his Divine Protection, and give us thankful and obedient Hearts. And when we have offer'd up those Hearts to God, Let us in the next Place offer them again to the King, and lay them down at the Footstool of his Throne, that so the King may see himself safe in your Counsels, rich in your Affections, victorious by your Arms, and rais'd to such a Height by your Loyalty and Courage, That you may have the Honour of making him the greatest King, and he the Glory of making you the happiest People.

I HAVE but one Thing more in Command, and that is to the Gentlemen of the House of Commons, That they proceed immediately to the choice of a Speaker, whom his Majesty will expect to be presented to Him here at Three of the Clock to morrow in the Afternoon.

A SPEECH of the Lord Chancellor Finch, made in Parliament on the 30th of April, 1679. about the Security of the Protestant Religion against a Popish Successor.

My Lords, and you the Knights, Citizens and Burgeses of the House of Commons,

‘ **T**HAT Royal Care which his Majesty hath taken for the general Quiet and Satisfaction of all his Subjects, is now more Evident by these new and fresh Instances of it which I have in Command to open to you.

‘ HIS Majesty hath consider’d with himself, That ’tis not enough that your Religion and Liberty is secure during his own Reign, but he thinks he owes it to his People to do all that in him lies, that these Blessings may be transmitted to your Posterity, and so well secur’d to them, that no Succession in After-ages may be able to work the least Alteration.

‘ AND therefore his Majesty, who hath often said in this Place, That he is ready to Consent to any Laws of this Kind, so as the same extend not to alter the Descent of the Crown in the Right Line, nor to defeat the Succession, hath now Commanded this to be further Explain’d.

‘ AND to the End it may never be in the Power of any Papist, if the Crown descend upon him, to make any Change either in Church or State, I am Commanded to tell you, That his Majesty is willing that Provision may be made, First to distinguish a Popish from a Protestant Successor; Then so to Limit and to Circumscribe

‘ scribe the Authority of a Popish Successor
 ‘ in these Cases following, that he may be
 ‘ disabled to do any Harm.

‘ FIRST, In Reference to the Church;
 ‘ his Majesty is Content that Care be taken,
 ‘ that all Ecclesiastical and Spiritual Bene-
 ‘ fices and Promotions in the Gift of the
 ‘ Crown, may be conferr’d in such a Man-
 ‘ ner, that we may be sure the Incumbents
 ‘ shall always be of the most Pious and
 ‘ Learned Protestants; And that no Popish
 ‘ Successor, while he continues so, may have
 ‘ any Power to Controul such Present-
 ‘ ments.

‘ IN Reference to the State and Civil
 ‘ Part of the Government; As it is already
 ‘ provided, That no Papist can Sit in either
 ‘ House of Parliament; so the King is
 ‘ pleased that it be provided too, That there
 ‘ may never want a Parliament when the
 ‘ King shall happen to die, but that the Par-
 ‘ liament then in Being may continue In-
 ‘ dissoluble for a competent Time; or, if
 ‘ there be no Parliament in Being, then the
 ‘ last Parliament which was in Being before
 ‘ that Time, may Re-assemble and Sit a com-
 ‘ petent Time without any new Summons or
 ‘ Elections.

‘ AND as no Papist can by Law hold
 ‘ any Place of Trust; so the King is con-
 ‘ tent that it may be further provided, That
 ‘ no Lords or others of the Privy-Council,
 ‘ no Judges of the Common-Law, or in
 ‘ Chancery, shall at any Time, during the
 ‘ Reign of any Popish Successor, be put in
 ‘ or displaced, but by the Authority of Par-
 ‘ liament. And that Care also be taken that
 ‘ none but sincere Protestants may be Justices
 ‘ of Peace,

‘ IN Reference to the Military Part ;
 ‘ The King is willing that no Lord Lieute-
 ‘ nant, or Deputy Lieutenant, nor no Offi-
 ‘ cer in the Navy, during the Reign of any
 ‘ Popish Successor, be put in or remov’d,
 ‘ but either by Authority of Parliament, or
 ‘ of such Persons as the Parliament shall en-
 ‘ trust with such Authority.

‘ ’TIS hard to invent another Restraint
 ‘ to be put upon a Popish Successor, confi-
 ‘ dering how much the Revenue of the Suc-
 ‘ cessor will depend upon Consent of Parlia-
 ‘ ment, and how impossible it is to raise
 ‘ Money without such Consent. But yet if
 ‘ any thing else can Occur to the Wisdom
 ‘ of the Parliament, which may further se-
 ‘ cure Religion and Liberty against a Popish
 ‘ Successor, without Defeating the Right of
 ‘ Succession it self, his Majesty will most rea-
 ‘ dily Consent to it.

‘ THUS watchful is the King for all your
 ‘ Safeties ; and if he could think of any
 ‘ Thing else that you do either Want or Wish
 ‘ to make you Happy, he would make it his
 ‘ Business to Effect it for you.

‘ GOD Almighty long continue this blef-
 ‘ sed Union between the King and his Par-
 ‘ liament and People.

A SPEECH of the Earl of *Shaftsbury*’s
 in the House of Lords, about the Popish
 Plot and Court-Mistresses, referred to in
 his Life.

‘ IN this great Debate concerning the
 ‘ King’s Speech, the sad *State* and *Condi-*
 ‘ *tion* we are in, and the *Remedies* thereof :
 ‘ I have offered you my Opinion, and many
 ‘ Lords

‘ Lords have spoken admirable well to it,
‘ with great Freedom and Plainness as the
‘ Case requires. Give me leave to offer you
‘ some few Words, in Answer to Two or
‘ Three of my Lords of the Earl’s Bench,
‘ that have maintained the contrary Opi-
‘ nion.

‘ My Lord, near me, hath told your Lord-
‘ ships, That the Precedent of *Hen. IV.* that
‘ I offered to you (who was a wise and mag-
‘ nanimous Prince, and yet upon the Address
‘ of his Parliament *put away a great part of his*
‘ *Family and Councils at one time*) is no proper
‘ Instance, because he was an Usurper, and
‘ had an ill Title, and was bound to please
‘ the People. My Lords, I meddle not with
‘ his Title, I am sure our King hath a very
‘ undoubted one: But this, My Lord, I must
‘ allow, that the wise Prince having *Need of*
‘ *the People*, knew no better Way to please
‘ them, and to create a good Intelligence
‘ between them and him, than to put away
‘ those from Court and Council that were
‘ unacceptable to them. If our King hath
‘ the same Necessity to please the People,
‘ (tho’ for other Reasons than want of a Title;)
‘ yet I am sure the Precedent holds, that a
‘ wise Prince, when he hath Need of his
‘ People, will rather *part with his Family and*
‘ *Counsellors, than displease them.* My Lords,
‘ this Noble Lord near me, hath found fault
‘ with that Precedent, that he supposes I of-
‘ fered your Lordships concerning the charge-
‘ able Ladies at Court: But I remember no
‘ such Thing I said: But if I must speak of
‘ them, I shall say as the Prophet did to
‘ King Saul, *What means the Bleating of this*
‘ *kind of Cattel?* And I hope the King will

' make me the same Answer, *That he reserves*
 ' *them for Sacrifice, and means to deliver them up*
 ' *to please his People.* For there must be, in
 ' plain *English*, my Lords, a *Change*: We
 ' must neither have *Popish* Wife, nor *Popish*
 ' *Favourite*, nor *Popish* Mistress, nor *Popish*
 ' Counsellor at Court, nor any new Convert.
 ' What I spoke was about another Lady that
 ' belongs not to the Court, but like *Sem-*
 ' *phronia* in *Cataline's* Conspiracy, does more
 ' Mischief than *Cethegus*. In this Time of
 ' Distress, I could humbly Advise our Prince
 ' would take the same Course the Duke of
 ' *Savoy* did, to suffer neither Strangers nor
 ' Ambassadors to stay above some few Weeks
 ' in his Country. For all the Strangers and
 ' Ambassadors here, have served the *Plot*,
 ' and Design against us: I am sure they have
 ' no Tie to be for us. But, my Lords, what
 ' I rose up to speak, was more especially to
 ' my Lord of the Earl's Bench, that spoke
 ' last, and sits behind me: Who, as he hath
 ' the greatest Influence in our present Coun-
 ' cils; so he hath let Fall to you the very
 ' Root of the Matter, and the Hinges upon
 ' which all turns: He tells you, That the
 ' House of Commons have lately made Of-
 ' fers to the King; and he wonders we do
 ' not expect the King's Answer to them,
 ' before we enter into so hot and high De-
 ' bates.

' HE tells you, If the King be assured of
 ' Supplies, we cannot doubt of his Compli-
 ' ance in this, and all we can ask; for other-
 ' wise the King should fall into that that is
 ' the worst Condition of a Prince, to have
 ' his People have no Confidence in him;
 ' My Lords, This is that I know they put
 ' the

the King upon, and this is that *we must be ruined by*, if we may not with *Freedom and Plainness* open our Case. My Lords, 'Tis a very hard thing to say, *that we cannot Trust the King*; and that we have already been deceived so often, that we see plainly the Apprehensions of *Discontent* in the People, is no Argument at Court. And though our Prince be in himself an excellent Person, that the People have the greatest Inclination imaginable to love; yet we must say, he is such a one, *as no Story affords us a Parallel of*: How plain and how many are the Proofs of the *Design to Murder him*? How little is he *Apprehensive of it*? The Transactions between him and his Brother are Admirable, and Incomprehensible: His Brother's Designs being early known, to aim at the Crown, before His Majesty's *Restoration* to this Kingdom. This Match with a *Portugal Lady*, not like to have Children, *contrived by the Duke's Father-in-Law*; and no sooner effected, but the Duke and his Party make Proclamation to the World, that we are like to have no Children, that He must be the certain Heir. He takes his Seat in Parliament as a Prince of *Wales*, his Guards about him; The Prince's Lodgings at *Whitehall*, his Guards upon the same Floor, without any Interposition between him and the King. So that the King was in his Hands, and in his Power every Night: All Offices and Preferments being bestowed by him, *Not a Bishop made without him*.

THIS Prince changes his Religion to make himself a Party, and such a Party, that his Brother must be sure to *die*, and be
made

‘ *made away*, to make Room for him; no-
 ‘ thing could preserve him, but that which
 ‘ I hope he will never do, give greater Ear-
 ‘ nest to that wicked Party than his Brother
 ‘ could; and after all, this *Plot* breaks out
 ‘ plainly *beaded by the Duke*, his Interest and
 ‘ his Design.

‘ HOW the King hath behaved himself
 ‘ ever since the breaking out of it, the World
 ‘ knows; we have expected every Hour that
 ‘ the Court should join with the Duke against
 ‘ us: And it is evident more hath been done
 ‘ to make the *Plot* a *Presbyterian Plot*, than to
 ‘ discover it.

‘ THE *Prorogations*, the *Dissolutions*, the
 ‘ Cutting short of *Parliaments*, not suffering
 ‘ them to have Time or Opportunity to look
 ‘ into any Thing, hath shew’d what Reason we
 ‘ have to have Confidence in this Court.
 ‘ We are now come to a *Parliament* again, by
 ‘ what *Fate* or what *Council*, for my part I
 ‘ cannot guess; neither do I understand the
 ‘ *Riddle* of it.

‘ THE Duke is quitted and sent away:
 ‘ The House of Commons have brought up
 ‘ a Bill to disable him from the Crown; and
 ‘ I think they are so far *extreamly* in the
 ‘ Right; but your Lordships are wiser than I,
 ‘ and have rejected it; yet you have thought
 ‘ fit, and the King himself hath made the
 ‘ *Proposition*, to make such *Expedients* as shall
 ‘ render him but a *Nominal Prince*.

‘ IN the mean while, Where’s *this Duke*
 ‘ that the King and both Houses have de-
 ‘ clared unanimously *thus dangerous*? Why he
 ‘ is in *Scotland*, raising of *Forces* upon the *Terra*
 ‘ *firma*, that can enter dry Foot upon us,
 ‘ without hazard of Winds or Seas, the very
 ‘ Place

Place he should be in to raise a Party there, to be ready when from hence he shall have Notice : So that this being the Case, *Where is the Trust ?* We all think the Business is so ripe that they have the *Garisons*, the *Arms*, the *Ammunition*, the *Seas* and *Soldiery*, all in their Hands ; they want but one good *Sum of Money* to set up, and crown the *Work*, and then they shall have no more need of the *People* ; and I believe, whether they are pleased or no will be no great Trouble to them. My Lords, I hear of a Bargain in the House of *Commons*, and an *Address* made to the *King* ; but this I know, and must boldly say it, and plainly, that the Nation is betray'd if upon any Terms we part with our Money till we are sure the *King* is ours : Have what Laws you will, and what Conditions you will, they will be of no use, but waste Paper before *Easter*, if the Court have Money to set up for *Popery* and *Arbitrary Designs* in the mean while. On the other hand, give me leave to tell you, my Lords, The *King* hath no Reason to distrust his People : No Man can go home and say, That if the *King* comply with his *People*, they will do nothing for him, but tare all up from him. We want a *Government*, and we want a *Prince* that we may Trust, even with the Spending of half our *Annual Revenues*, for some time, for the *Preservation* of these Nations. The growing Greatness of the *French* cannot be stopt with a little Expence, nor without a real and hearty *Union* of the *King* and the *People*. It was never known in *England* that our *Princes* wanted Supplies, either for their *Foreign Designs*, or for their *Pleasures* ; nothing ever shut the Eng-
lish

lish Purſes, but the Fears of having their Money uſed againſt them.

THE Hour that the King ſhall ſatisfie the People, that what we give is not to make us Slaves and Papifts, he may have what he will; and this your Lordſhips know, and all Mankind that knows us: Therefore let me plainly tell your Lordſhips, the Arguments the preſent Miniſters uſe, is to Deſtroy the King, and not Preſerve him: For if the King will firſt ſee what we will do for him, it is impoſſible if we are in our Senſes we ſhould do any Thing. But if he will firſt ſhew that he is intirely ours, that he Weds the Intereſt and the Religion of the Nation, 'tis impoſſible he ſhould want any Thing that we can give. But I ſee how the Argument will be uſ'd: Sir, They will do nothing for you, What ſhould you do with theſe Men? But on the other hand, I am bold to ſay: Sir, You may have any Thing of this Parliament; put away theſe Men, change your Principles, change your Court, and be your ſelf; for the King himſelf may have any Thing of us. My Lords, If I have been too plain, I beg your Pardon; I thought it was the Duty of an *English* Nobleman, at this time, to ſpeak plain, or never. I am ſure I mean well: And if any Man can answer or oppoſe Reason to what I ſay, I beg they would do it; for I do not deſire or propoſe any Queſtion. I beg this Debate may laſt for ſome Days, and that we may go to the bottom of the Matter, and ſee if theſe Things are ſo or no, and what Cure there is of the Evil we are in; and then the Reſult of your Debates may produce ſome proper

proper Questions. However, we know who hears, and I am glad of this, that your Lordships have dealt so honourably and so clearly in the King's Presence, and in the King's Hearing, that he cannot say he wants a right State of the Thing that is before him, and may take Council as he thinks fit.

THE following Speech is that of the Lord Keeper *North* to Mr. Serjeant *Saunders*, at the time that he was sworn Lord Chief Justice of the Court of *King's Bench*, Jan. 23. 1682.

YOU are sent for hither by the King's Command, to supply the Place of Chief Justice of this Court, now vacant by the Removal of the Lord Chief Justice *Pemberton*, to be Chief Justice of the Court of *Common-Pleas*.

IT was a very unpolitick Course that was taken heretofore, to punish a Chief Justice that served Ill in the *Common-Pleas*, by advancing him to this Place, to make him discontented, and at the same Time to intrust him with greater Power.

THE King has inverted that Course; He will not have this a Seat of Discontent: They that serve him well here, shall have this Encouragement, That though they are in the highest Place of the Law, they are not above his Reward; for if they desire it, he will prefer them to Ease and Plenty in a Lower Station.

THERE could never be a better Occasion to make this Demonstration; for no Man's Services were more Eminent, nor better

‘ better Accepted, than my Lord Chief Ju-
 ‘ stice *Pemberton*’s, and yet there was a fur-
 ‘ ther Reason for the taking him from hence;
 ‘ the King had need of his Service in his
 ‘ Privy Council, which would require more
 ‘ Time than could be spared from this busie
 ‘ Province, without great Prejudice to his
 ‘ People.

‘ AND that his People may not suffer in
 ‘ the Want of so good a Magistrate, his Ma-
 ‘ jesty hath taken Care in the Choice of your
 ‘ self, to succeed him in this great and im-
 ‘ portant Office.

‘ YOU are so qualified for it by your na-
 ‘ tural and acquired Parts, by your solid
 ‘ Judgment to determine Right, and your
 ‘ clear Expression of Reason for the Satis-
 ‘ faction of others, by your Knowledge of
 ‘ the Law, and long Experience in the Pra-
 ‘ ctice of this Court: And these Abilities
 ‘ not mastered by any unruly Passions, nor
 ‘ accompanied with any Suspicion of Pride
 ‘ or Covetousness, but having the Advan-
 ‘ tage of meeting a Person of manifest Inte-
 ‘ grity and Affection to the King’s Service;
 ‘ I say, you are thus so eminently qualified
 ‘ for this Office, that the King immediately,
 ‘ and without any Hesitation, designed the
 ‘ Office for you; and though others had
 ‘ been longer in his Service, and very useful
 ‘ to it, yet his Majesty was pleased with an
 ‘ Occasion to shew the World, that he will
 ‘ consider neither Age, nor Order, in dispo-
 ‘ sing of Places of Great Trust in the Law;
 ‘ but they which are most fit, and deserve
 ‘ best of him, shall be preferred.

‘ Mr. Serjeant, The Greatness of your Me-
 ‘ rit doth not lessen the Obligation you have

‘ to the King ; for notwithstanding this
‘ Great Character you have obtained in the
‘ World, there is much more to be expected
‘ from you, which the King takes upon Trust.
‘ You are now to shew your self a good Ma-
‘ gistrate, which requires another sort of Spi-
‘ rit. Every good Lawyer cannot make a
‘ good Judge, nor every good Man a good
‘ Magistrate, though every good Judge must
‘ be a good Lawyer and a good Man.

‘ SOMETIMES a private Man is com-
‘ mended for Qualities, which in a Magi-
‘ strate would be Faults.

‘ A PRIVATE Man is praised for shew-
‘ ing Humility and Deference to others in
‘ his Conversation, and passing by Indigni-
‘ ties.

‘ BUT a Judge must take Greatness upon
‘ him : He must consider he represents the
‘ King’s Person in his Seat of Justice ; He
‘ must therefore be very careful to preserve
‘ the Dignity that belongs to it.

‘ H E must have Passions, but not of a
‘ private Man, that may disturb his Judg-
‘ ment ; but he must assume Passion to set
‘ off his Severity, when the Greatness of the
‘ Crime requires it ; but it must be done so,
‘ as it may appear that his Judgment go-
‘ verns his Passion, and directs it against the
‘ Offence, and not against the Person.

‘ A JUDGE must be covetous, but not
‘ as a private Man, for his own Profit, but
‘ he must be very solicitous for the King’s
‘ Profit, knowing that the King’s Revenue
‘ is like the Animal Spirits, without which
‘ the Government would not be able to per-
‘ form its ordinary Motions.

‘ Mr. SER-

‘ Mr. SERJEANT, You that have already
‘ shown your self a good Man and a good
‘ Lawyer, will now approve your self (I
‘ doubt not) a good Magistrate, and a good
‘ Judge ; I may say without Flattery, that
‘ you come into this Seat with as few Passions
‘ and personal Frailties, as any that have been
‘ before you.

‘ BUT in another respect your Burthen is
‘ far greater than theirs, in respect of the
‘ Times ; The Age is degenerate and full of
‘ Faults ; Faults of Irreligion, Immorality,
‘ Debauchery, Quarrelling, Falseness and
‘ Faction, so full of Faults that it requires
‘ more than a Man to censure them.

‘ YOU will therefore consider, That in-
‘ ferieur Magistrates and inferiour Jurisdi-
‘ ctions are to take a great part of this La-
‘ bour off your Hands, in that regard you
‘ will upon all Occasions encourage and di-
‘ rect them to make them useful to you, and
‘ not overthrow their Proceedings upon eve-
‘ ry slight Exception, to drive People to be-
‘ gin their Proceſs here at greater Charge.

‘ AND when Justices of the Peace act
‘ candidly, though not with so much Skill
‘ in the Law, you will shew Tenderneſs to
‘ them, as Gentlemen that serve the King
‘ and the Publick for nothing, and have not
‘ thoſe Aſſiſtances of Council and Officers
‘ that are here.

‘ YOU have the Aſſiſtance of very ſkil-
‘ ful Officers in this Court, and you will give
‘ them all due Encouragement ; but you
‘ muſt have a ſtrict Eye over them, that they
‘ neither oppreſs the Innocent, by ſending
‘ out Proceſs upon every malicious and fri-
‘ volous Information, nor take part with Of-
‘ fenders,

‘ fenders, by making Errors, whereby, after
‘ Conviction, they shall escape out of the
‘ Hands of Justice.

‘ **THEY** are paid Fees for Discharges,
‘ but not for Convictions ; and therefore it
‘ may be feared they will not be careful to
‘ prevent Errors : But they should know, the
‘ greatest Use of Officers, is, That Business
‘ should be in the Hands of skilful Men ;
‘ and that when a Criminal escapes by their
‘ Negligence or Ignorance, the Fault of the
‘ Offender lies upon them, and they show
‘ themselves to be unfit for their Places.

‘ **Mr. SERJEANT**, When you have due
‘ Assistance of inferiour Magistrates, and of
‘ the Officers of this Court, your Province
‘ will not be so Burthensome as it is esteem’d.

‘ **A N D** you may yet reduce it into less
‘ Compass, by seasonable Severities, where-
‘ by when you have once mastered the Heads
‘ of Disorder, others will easily be kept in
‘ Obedience to the King’s Laws.

‘ **THE** Temper of the present Age re-
‘ quires your Severity in Cases of Sedition.
‘ It was lately grown to that Height and In-
‘ solence, and managed with that Malice, that
‘ it was thought very near breaking out into
‘ open Force, to the Danger of the King-
‘ dom : But by the wise Conduct of his Ma-
‘ jesty, with the Blessing of God, it was suf-
‘ fered to baffle it self by its own Extrava-
‘ gance : You may expect it should now be
‘ Crafty ; therefore you must be the more
‘ careful to stop the Beginnings of so dange-
‘ rous and quick-spreading a Poison, and to
‘ suppress all false News, Libels, and other
‘ Materials of Sedition.

‘ A GREAT Means towards it, will be
 ‘ to cut off all Hopes it may have of Coun-
 ‘ tenance in the Courts of Justice. You
 ‘ must not suffer Counsellors to abett the Guilt
 ‘ of their Clients, instead of endeavouring
 ‘ to make them appear innocent, nor urge
 ‘ their own Opinions instead of Arguments
 ‘ of Law; and with that Pretence of Au-
 ‘ thority, that when the Court differs from
 ‘ them, they affect to shew a Discontent, as
 ‘ if they appealed to the By-standers. These
 ‘ Indecencies were not tolerated heretofore,
 ‘ and if you meet with them, you should ani-
 ‘ madvert severely upon those that offend.

‘ YOU must be sure to maintain the Re-
 ‘ spect that is due from the Bar to the Court.
 ‘ THE Greatness and Dignity of this
 ‘ Court is necessary to the Use of it, that
 ‘ no Offenders may think either by their
 ‘ Number or Magnitude to be too hard for
 ‘ Justice.

‘ Mr. SERJEANT, I touch these Things
 ‘ but lightly, your own Judgment will shew
 ‘ you better Methods, to make the Jurisdi-
 ‘ ction of this Court answer the Ends of its
 ‘ Institution.

‘ THAT the World may see the Truth
 ‘ of the Act of Parliament that took away
 ‘ the Court of *Star-Chamber*, which recites,
 ‘ That whatsoever was regularly punishable
 ‘ there, might be punished in the ordinary
 ‘ Course of Justice.

‘ THAT the King may see the Use and
 ‘ Sufficiency of the Law for the Support of
 ‘ his Government, and may be more and
 ‘ more satisfied in his Resolutions to govern
 ‘ according to Law; and all his People may
 ‘ live happily under his Government.

Mr. SER-

‘ Mr. SERJEANT, When you have
‘ these Great Things under your Care, I
‘ know you will do your utmost for the ac-
‘ complishing them.

THESE Speeches made on Febr. the 4th and
5th, 1672. by the Lord Chancellor *Shaftsbury*
and Sir *Job Charlton*, elected Speaker of the
House of Commons, not coming to Hand
sooner, they shall have Room here: The
Chancellor’s is that here follows to the
Parliament.

*My Lords, and you the Knights, Citizens, and
Burgesses of the House of Commons,*

‘ HIS Majesty hath commanded me to
‘ tell you, That he hath many Things
‘ to say to you, but he thinks not this a pro-
‘ per Time, but will defer it till the House of
‘ Commons be compleated with a new Speaker.
‘ For his Majesty hath since the last Session,
‘ as a Mark of his Favour to his House of
‘ Commons, and that he might Reward so
‘ good a Servant, taken their late Speaker,
‘ Sir *Edward Turner*, to be Lord Chief Baron
‘ of the *Exchequer*; and called him by Writ to
‘ be an Assistant to this House. I am there-
‘ fore commanded to acquaint you, Gentle-
‘ men of the House of Commons, That it is
‘ the King’s Pleasure you repair to your House,
‘ and Elect a Discreet, Wise, and Learned
‘ Man, who after he hath been by you pre-
‘ sented, and that Presentation by his Maje-
‘ sty admitted, shall then possess the Office of
‘ your Common Mouth and Speaker. And
‘ the King is pleased to be here to Morrow
‘ in the Afternoon, to receive the Present-
‘ ment of him accordingly.

THIS is the Speaker's Speech to the King upon his being chosen.

Most Gracious Sovereign,

THE Knights, Citizens, and Burgeſſes of the Houſe of Commons, in Obedience to your Royal Command, have proceeded to the Choice of a Speaker.

THEY have among them many worthy Perſons, eminently qualified for ſo great a Truſt, yet with too favourable an Eye have caſt it upon me, who am really Conſcious to my ſelf of many Infirmities, rendring me much unfit for ſo great an Employment: And although my Endeavours of excuſing my ſelf before them have not been ſucceſſful, yet they have been ſo Indulgent, as to permit me to continue my Endeavours therein before your Maſteſty's moſt piercing and diſcerning Judgment.

THE Veneration due to Maſteſty, which lodgeth in every Loyal Breſt, makes it not an eaſie Matter to ſpeak before your Maſteſty, at any Time, or in any Capacity; But to ſpeak before your Maſteſty in your Exaltation, thus gloriously ſupported and attended, and that as Speaker of your Houſe of Commons, requires greater Abilities than I can pretend to own: I am not alſo without Fear, That the Publick Affairs, wherein your Maſteſty and your Kingdom, in this Juncture of Time, are ſo highly concerned, may receive Detriment through my Weakneſs.

I therefore with a plain humble Heart, proſtrate at your Royal Feet, beſeech, That you will Command them to Review what they have done, and to proceed to another Election.

THE

THE Lord Chancellor's Reply to the Speaker.

Mr. Serjeant Charleton,

‘ THE King hath very attentively heard
 ‘ your discreet and handsome Discourse,
 ‘ whereby you endeavour to excuse and dis-
 ‘ able your self for the Place of Speaker : In
 ‘ Answer whereof, his Majesty hath Com-
 ‘ manded me to say to you, That he doth in
 ‘ no Sort admit of the same : For his Majesty
 ‘ hath had long Experience of your Abilities,
 ‘ good Affection, Integrity and Resolution in
 ‘ several Employments of great Trust and
 ‘ Weight. He knows you have been long a
 ‘ Parliament Man, and therefore every way
 ‘ fitted and qualified for the Employment :
 ‘ Besides, he cannot disapprove the Election
 ‘ of this House of Commons, especially
 ‘ where they have expressed so much Duty
 ‘ in choosing one worthy and acceptable to
 ‘ him : And therefore the King doth allow
 ‘ of the Election, and admits you for Speaker.

Mr. SPEAKER's Speech, directed to the King on the 5th of February 1672.

Great SIR,

‘ SINCE it is your Gracious Pleasure not
 ‘ to accept of my humble Excuse, but
 ‘ by your Royal Approbation to fix me under
 ‘ this Great, though honourable Weight, and
 ‘ to think me fit to be invested with a Trust
 ‘ of so high a Nature as this is.

‘ I TAKE it in the first Place to be in-
 ‘ cumbent upon me, that I render your Ma-
 ‘ jesty all possible Thanks, which I now
 ‘ humbly do with a Heart full of all Duty,
 ‘ and

and affected with a deeper Sense of Gratitude than I can find Words to express.

NEXT, from your Royal Determination in this Affair, whereby you have imprinted a new Character upon me, I take Courage against my own Diffidence, and chearfully bend my self with such Strength and Abilities as God shall give to the Service so graciously designed me; no way doubting, that your Majesty will please to pardon my Frailties, to accept of my faithful Endeavours, and always to look favourably on the Work of your own Hands.

AND now Sir, my first Entrance upon this Service, obliges me to make a few necessary, but humble Petitions, on the behalf of your most Loyal and Dutiful House of Commons.

1. THAT for our better Attendance on the Publick Service, we and our Servants may be free in our Persons and Estates from Arrests and other Disturbances.
2. THAT in our Debates, Liberty and Freedom of Speech be allowed us.
3. THAT as Occasions shall require, your Majesty upon our humble Suit, and at such Times as your Majesty shall judge seasonable, will vouchsafe us Access to your Royal Person.
4. THAT all our Proceedings may receive a favourable Construction.

THAT God, who hath brought you back to the Throne of your Fathers, and with you all our Comforts, grant you a long and a prosperous Reign, and send you Victory over all your Enemies, and every good Man's Heart will say, *Amen.*

*
* *

THE

THE Lord Chancellor's Answer the same Day.

Mr. Speaker,

THE King's Majesty hath heard and well weighed your short and eloquent Oration ; And in the first Place much approves that you have with so much Advantage, introduced a shorter way of speaking upon this Occasion : His Majesty doth well accept of all those dutiful and affectionate Expressions in which you have delivered your Submission to his Royal Pleasure : And looks upon it as a good Omen to his Affairs ; and as an Evidence that the House of Commons have still the same Heart, that have chosen such a Mouth. The Conjunction of Time, and the King and Kingdom's Affairs, require such a House of Commons, such a Speaker ; for with Reverence to the Holy Scripture upon this Occasion the King may say, *He that is not with me is against me* ; for he that doth not now put his Hand and Heart to Support the King in the Common Cause of this Kingdom, can hardly ever hope for such another Opportunity, or find a Time to make Satisfaction for the Omission of this.

NEXT, I am Commanded by his Majesty to Answer your Four Petitions, whereof the first being, *The Freedom of you and your Servants in your Persons and Estates, without Arrest or other Disturbance*, the King is graciously pleased to grant it as full as to any of your Predecessors.

THE

THE Second, for *Liberty and Freedom of Speech*; the Third, for *Access to his Royal Person*. And the Fourth, That *your Proceedings may receive a favourable Construction*; are all freely and fully granted by his Majesty.

F I N I S.

NEXT, I am Commanded by his Majesty to Answer your Petitions, whereof the first is being, The Freedom of you and your Estates in your Person and Estate, which your Majesty has granted, the King is graciously intended to grant it as full as to any of your Petitions.

THE



The Lives Of All The Lords Chancellors, Lords Keepers, And Lords Commissioners, Of The Great Seal of England From William the Conqueror, to the Present Time: But more at large of those Two Great Opposites, Edward Earl of Clarendon, And Bulstrode Lord Whylock. With a Parallel of their Actions. To which is added, An Appendix of many Rare and Valuable Speeches, Bd.: 2

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